J O U R N A L

OF THE

SESSION OF 1872-73

OF THE

SENATE OF ALABAMA,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING ON THE I8TH OF NOVEMBER 1872.

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WITH AN INDEX,

PREPARED BY THE SECRETARY OF STATE

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MONTGOMERY, ALA. :
ARTHUR BINGHAM, STATE PRINTER.
1873.

JOURNAL.

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UNITED STATES COURT BUILDING,
Montgomery, Alabama,
MONDAY, November 18, 1872.

This being the third Monday of November, the day fixed by law for the annual meeting of the General Assembly of the State of Alabama, the Senate was called to order, in the United States Court Building, by Mr. M. P. Blue, Secretary of the Senate, in the absence of Lieutenant Governor Moren.

On motion,

The districts were called, when the following Senators elect answered to their names :

1st District—W. R. Chisholm ;
4th District—S. H. Murphy ;
13th District—J. L. Pennington ;
14th District—W. W. Glass ;
15th District—Walton B. Harris ;
16th District—B. F. Royal;
17th District—Jacob Black;
18th District—C. S. G. Doster ;
19th District—A. P. Wilson ;
20th District—J. W. Jones ;
22d District—A. H. Curtis ;
23d District—G. H. Duskin ;.
24th District—Lloyd Leftwich ;
25th District—W. J. Gilmore ;
26th District—J. W. Dereen.

On motion of Mr. Duskin,

Mr. Pennington was called to preside as temporary President.

On motion of Mr. Black,

Mr. M. P. Blue was elected temporary Secretary.

On motion of Mr. Wilson,

Mr. William Duncan was selected as temporary Door-Keeper.

Senate then adjourned until 4 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the Districts, the following Senators answered to their names ;

1st District—W. R. Chisholm ;
3d District—R. P. Baker ;
4th District—S. H. Murphy ;
13th District—J. L. Pennington ;
14th District—W. W. Glass;
15th District—W. B. Harris ;
16th District—B. F. Royal;
17th District—Jacob Black ;
18th District—C. S. G. Doster;
19th District—A. P. Wilson ;
20th District—J. W. Jones ;
22d. District—A. H. Curtis ;
23d District—G. H. Duskin ;
24th District—Lloyd Leftwich ;
25th District—W. J. Gilmore ;
26th District—J. W. Dereen ;
31st District—William Miller, Jr.

Oh motion of Mr. Wilson,

A committee of three was appointed to invite some competent judicial officer into the Senate Chamber, for the purpose of administering the constitutional oath to the Senators.

Messrs. Wilson, Doster and Curtis were appointed said committee.

After retiring a few minutes, said committee returned with Chancellor Felder, who at once administered the constitutional oath to Mr. Pennington, temporary President ; and then to all the other Senators present.

On motion of Mr. Duskin,

Mr. Pennington was chosen as temporary President, until the Lieutenant Governor elect is qualified.

ELECTION OF SECEETARY.

Senate then proceeded to the election of a permanent Secretary.

Mr. Black put in nomination Mr. M. P. Blue, of Montgomery ;

Those who voted for Mr. Blue, are :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Harris, Jones, Leftwich, Millen, Murphy, Pennington, Royal and Wilson—17.

Mr. Blue having received all the votes cast, Mr. President declared him to be duly and constitutionally elected Secretary of the Senate.

Mr. Haralson, Senator elect from the 21st District, (Dallas), appearing in the Senate chamber, was duly qualified by Chancellor Felder, and took his seat.

On motion of Mr. Doster,

A committee of three was appointed to inform the House of Representatives, that the Senate was organized by the election of Mr. Pennington as temporary President, and Mr. Blue as Secretary, and was ready to receive any communication from the House.

Messrs. Doster, Wilson and Royal were appointed said committee.

On motion of Mr. Harris,

The rules of the last Senate of Alabama were adopted for the government of the present Senate, until revised or repealed.

The committee appointed to inform the House of Representatives of the organization of the Senate, reported through their chairman, Mr. Doster, that they had discharged that duty.

Said report was received and the committee discharged.

JOINT RESOLUTION.

Mr. Duskin offered the following joint resolution, which was read and adopted :

Resolved by the Senate, (the House concurring), That a joint committee, to consist of three on the part of the Senate, and five on the part of the House of Representatives, be appointed, whose duty it shall be to wait upon his Excellency the Governor, and inform him that the two Houses of the General Assembly are properly organized, and ready to receive any message or communication he may have to make.

Messrs. Duskin, Doster and Haralson were appointed said committee on the part of the Senate.

Senate then adjourned until 9 o'clock to-morrow morning.

TUESDAY, November 19, 1872.

Senate met pursuant to adjournment.
Prayer by the Rev. Mr. Stevens.
Minutes of yesterday were read and approved.

The Senators came forward and enrolled their names.

A committee of the House appeared in the Senate chamber, which informed the Senate that the House of Representatives was duly organized and ready to proceed to business.

Message from the House, by Mr. Dalton :

HOUSE OF REPRESENTATIVES,
November 19, 1872.

Mr. President :

I am directed by the House to inform the Senate that the House of Representatives have concurred in the joint resolution passed by the Senate, for the appointment of a committee of the two Houses, to wait upon his Excellency the Governor, and inform him of the readiness of the General Assembly to receive any communication he may have to submit.

The following have been appointed said committee on. the part of the House :

Messrs. Masterson, Lamb, White, Dustan and McAfee.

Senate then adjourned until 2 p. m.

———

AFTERNOON SESSION.

Senate met pursuant to adjournment.
On motion,
Senate adjourned until 10 o'clock to-morrow morning.

———

WEDNESDAY, November 20, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Carter, Dereen, Doster, Duskin Glass, Gilmore, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and. Wilson—17.

Minutes of yesterday were read. and approved.

REPORT OF JOINT COMMITTEE.

The joint committee to wait upon his Excellency, the Governor, and inform him that the two houses of the General Assembly were duly organized, and ready to receive any communication he may have to make, through their chairman, Mr. Duskin, reported that they waited on the governor yesterday, who informed them that he would communicate with them to-day.

On motion to Mr. Wilson,

A committee of three was appointed to consider and. report upon the cases of Senators, who have no certificates.

Messrs. Doster, Murphy and Wilson were appointed said committee.

Upon the suggestion of Mr. Pennington,

The Senators present holding certificates came forward and put them in the custody of the Secretary,

Senate then took a recess until 12 o' clock m.

———

After the expiration of the recess.

The Senate was called to order.

Mr. Duskin announced that he had received a communication from Governor Lindsay ;

Which, on motion, was read by the Secretary, and returned to Mr. Duskin.

Senate then adjourned until 10 o'clock to-morrow

———

THURSDAY, November 21, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Harris, Haralson, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Minutes of yesterday were read and approved.

Senate adjourned until 10 o'clock to-morrow morning.

———

FRIDAY, November 23, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Baker, Black, Curtis, .Dereen, Doster, Duskin, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Minutes of yesterday were read and approved.

REPORT OF SELECT COMMITTEE.

Mr. Doster, from the committee appointed to investigate the cases of all Senators who hold no certificate from the Secretary of State, reported that from their investigation they find the following to have been elected Senators :

1st District—W. R. Chisholm ;
4th District—R. P. Baker ;
17th District—Jacob Black ;
26th District—J. W. Dereen ;
31st District—William Miller, jr.

Said report was adopted and the committee discharged.

On motion of Mr. Wilson, the Senate proceeded to perfect its organization by the election of sundry officers.

ASSISTANT SECRETARY.

Mr. Wilson put in nomination Mr. W. W. Smith, of Lee county.

Those who voted for Mr. Smith are :

Messrs. Baker, Black, Curtis, Dereen, Doster, Duskin,

Glass, Gilmore, Haralson. Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Mr. Smith having received all the votes cast. Mr. President declared him duly and constitutionally elected Assistant Secretary of the Senate.

DOOR-KEEPER.

Mr. Royal put in nomination Mr. William Duncan, of Montgomery.

Mr. Glass put in nomination Mr. Henry Bowen, of Macon county.

Mr. Doster put in nomination Mr. Rufus Delony, of Elmore county.

Those who voted for Mr. Duncan are :

Messrs. Baker, Black, Curtis, Dereen, Duskin, Gilmore, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—15.

Mr. Glass voted for Mr. Bowen—1.

Mr. Doster voted. for Mr. Delony—1.

Mr. Duncan having received a majority of all the votes cast, Mr. President declared him duly and constitutionally elected Door-Keeper of the Senate.

SERGEANT-AT-ARMS.

Mr. Baker nominated Mr. D. M. Huson, of Morgan county.

Mr. Royal nominated Mr. Peyton Finley, of Montgomery county.

Mr. Haralson nominated Mr. J. C. Akers, of Morgan county.

Mr. Harris nominated Mr. Charles H. May, of Montgomery county.

FIRST BALLOT.

Those who voted for Mr. Huson are :

Messrs. Baker, Dereen, Duskin, Leftwich and Murphy—5.

Those who voted for Mr. Finley are :

Messrs. Black, Doster, Royal and Wilson—4.

Those who voted for Mr. Akers are :

Messrs. Curtis, Glass, Haralson, Jones, Miller and. Pennington —6.

Those who voted for Mr. May are :

Messrs. Gilmore and Harris—2.

Neither of the candidates having received a majority of the votes cast, the Senate proceeded to a

SECOND BALLOT.

Those who voted for Mr. Huson are :

Messrs. Baker, Black, Dereen, Doster, Duskin, Gilmore, Harris, Leftwich, Murphy and Pennington—10.

Those who voted for Mr. Finley are :

Messrs. Royal and Wilson—2.

Those who voted for Mr. Akers are :

Messrs. Curtis, Haralson, Jones and Miller—4.

Mr. Glass voted for Mr. May—1.

Mr. Huson having received a majority of all the votes cast, Mr. President declared. him duly and constitutionally elected Sergeant-at-Arms of the Senate.

ENGROSSING CLERK.

Mr. Miller put in nomination Mr. William Harper, of Butler county.

Those who voted for Mr. Harper are :

Messrs. Baker, Black, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Mr. Harper having received all the votes cast, Mr. President declared him duly and constitutionally elected. Engrossing Clerk of the Senate.

ENROLLING CLERK.

Mr. Gilmore put in nomination Mr. James A. Farden, of Montgomery county.

Mr. Murphy put in nomination Mr. William Council, of Madison county.

Those who voted for Mr. Farden are:

Messrs. Baker, Black, Dereen, Doster, Duskin, Glass, Gilmore, Haralson, Leftwich, Miller and Pennington —11.

Those who voted for Mr. Council are :

Messrs. Curtis, Harris, Jones, Murphy, Royal and Wilson—6.

Mr. Farden having received a majority of all the votes cast, Mr. President declared him duly and constitutionally elected Enrolling Clerk of the Senate.

On motion of Mr. Doster, the Secretary of the Senate was authorized to appoint two Pages, two hall tenders, and an Assistant Door-Keeper, whenever it is necessary.

Senate then took a recess until 4 p. m.

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AFTERNOON- SESSION.

Senate met at 4 p. m. and was called to order by the Secretary.

On motion of Mr. Miller, Senate adjourned until 10 o'clock to-morrow morning.

SATURDAY, November 23, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names ;

Messrs. Baker, Black, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Minutes of yesterday were read, corrected, and approved.

Senate then adjourned until 10 o'clock, Monday morning.

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MONDAY, November 25, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—18.

Minutes of Saturday were read and approved.

ENROLLMENT OF SENATOR.

Mr. J. C. Goodloe, Senator elect from the second Senatorial district, presented his credentials, when he was duly qualified by Chancellor Felder, and took his seat.

JOINT RESOLUTION.

Mr. Dereen offered the following joint resolution, which was read and adopted :

Resolved by the Senate (the House of Representatives concurring), that a joint committee be appointed, consisting of three on the part of the Senate and five on the part of the House, whose duty it shall be to wait upon. his Excellency, Governor David P. Lewis, and inform him

that the two Houses of the General Assembly are now organized and ready to receive any message or communication he may have to make.

Messrs. Murphy, Doster and Harris were appointed Senate committee under said joint resolution.

Senate then adjourn until 10 o'clock to-morrow morning.

TUESDAY, November 26, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—19.

Minutes of yesterday were read and approved.

Message from the House, by Mr. Dalton, as follows.

HOUSE OF REPRESENTATIVES,
November 26, 1872.

Mr. President:

I am directed to inform the Senate that the House of Representatives has concurred in the joint resolution which passed the Senate, for a joint committee to wait upon his Excellency, the Governor, and inform him of the readiness of the two houses to receive any communication he may have to make. Messrs. Hunter, Dustan, Treadwell, McAfee and Lamb, have been appointed as said committee on the part of the House.

Very respectfully,
ROBERT BARBER,
Clerk

The said committee to wait upon Governor Lewis, through the chairman, Mr. Murphy, reported that they had discharged their duty, and that the Governor would communicate with the Senate, on to-morrow morning.

Senate then adjourned until 4 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Senate then adjourned. until 10 o'clock to-morrow morning.

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WEDNESDAY, November 27, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmer, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—19.

Senate then adjourned until 6 p. m.

———

AFTERNOON SESSION.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered. to their names :

Messrs. Black, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Goodloe, Harris, Murphy, Pennington, Royal and Wilson—13.

Senate then adjourned until 10 o'clock to-morrow morning.

THURSDAY, November 28, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Foster, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and. Wilson—19.

Minutes of Tuesday and yesterday were read and approved.

On motion of Mr. Wilson,

A committee to three was appointed to wait upon Lieutenant Governor McKinstry, and request him to preside over the Senate. Messrs. Wilson, Gilmore and Duskin were appointed said committee.

Message from the House, by Mr. Dalton,

Notifying the Senate that the House had adopted a joint resolution proposing a joint committee to wait upon Gov. Lewis.

Said joint resolution was at once concurred in, and Messrs. Doster, Curtis, and Murphy, appointed committee on the part of the Senate.

Senate then took an informal recess.

After the expiration of recess,

Senate adjourned until 4 p. m.

———

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Mr. Murphy, from the joint committee to wait upon Governor Lewis, reported that the committee had waited upon his Excellency, who requested them to say that he would communicate to the Senate in writing to-morrow.

Senate then adjourned until 10 o'clock to-morrow morning.

FRIDAY, November 29, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered. to their names:

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore. Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—19.

Minutes of yesterday were read and approved.

COMMUNICATION FROM THE GOVERNOR.

The following communication was presented by Mr. Doster, chairman, from his Excellency, Governor Lewis, addressed to the joint committee appointed to wait upon him, which was read and ordered to be put upon the journal of the Senate :

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
November 29, 1872.

Hon. Alexander White and others, Committee :

GENTLEMAN—I have the honor to acknowledge the receipt of your communication, informing me that the General Assembly of the State of Alabama are duly organized and ready to receive any communication that I may desire to make.

In reply, I beg leave to say that I am ready to co-operate with you in the discharge of public business, so earnestly demanding attention.

I have no official communication to make to you this morning.

I have the honor to be,
Your obedient servant, .
DAVID P. LEWIS
Governor.

SECRET SESSION.

On motion of Mr. Goodloe,
The Senate went into secret session.

Mr. Wilson, chairman of the committee, reported that the Lieutenant Governor McKinstry, would be present at 12 o'clock m.. to assume the duties as President of the Senate.

A few minutes before 12 o'clock the secret session was concluded, and the doors were opened.

At 12 o'clock Lieutenant Governor McKinstry appeared with the committee, when Mr. Pennington introduced him to the Senate as their permanent presiding officer.

OFFICERS SWORN IN.

The following officers were then duly qualified by Mr. President :

M. P. Blue, Secretary ;
W. W. Smith, Assistant Secretary :
D. M. Huson, Sergeant-at-Arms ;
W. Laf. Duncan, Door-Keeper ;
J. A. Farden, Enrolling Clerk.

RESOLUTIONS.

Mr. Dereen offered the following resolution,

Which was read, and unanimously adopted :

Resolved, That the thanks of the Senators are due and are hereby tendered to the Hon. John L. Pennington, our President pro tem. for the able and impartial manner in which he has presided over the deliberations of the Senate since its organization.

Mr. Dereen also offered the following resolution,

Which was read and adopted :

Resolved by the Senate, That the Hon. John L. Pennington be and he is hereby allowed the same per diem while President pro fern. of this body as is allowed by law to the Speaker of the House of Representatives.

Senate adjourned until 10 o'clock to-morrow morning.

SATURDAY, November 30, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Stephens.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—19.

Minutes of yesterday were read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced:

By Mr. Doster—

To establish a ferry upon the Tallapoosa river ;

Which was read twice, under suspension of the constitutional rule, and referred to appropriate committee.

By Mr. Wilson—

To relieve from the disabilities of non-age Henry Franklin Shelby, of Lowndes county ;

Which was read twice, under suspension of the constitutional rule, and referred.

By Mr. Black—

In relation to mechanics' lien within the State of Alabama;

Which was read twice, under suspension of the consti tutional rule, and referred.

Message from the House, by Mr. Dalton ; when

On motion of Mr. Pennington,

The Senate went into secret session.

Senate then took a recess until 2 o' clock p. m.

After recess, Senate was called to order by the Secretary. In the absence of the Lieutenant Governor, Mr. Pennington was called to preside temporarily.

Message from the House, by Mr. Dalton,

Advising the Senate that the House had concurred in the joint resolutions reported by the joint committee upon the communication of the Governor.

Senate then adjourned until 10 o'clock Monday morning.

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CALLED SESSION.

Senate met at 6 o' clock p. m.

Upon call of Mr. President,

Two communications were received from the Governor ;
Which were severally acted on.
Senate then stood adjourned, until 10 o'clock Monday morning.

———

MONDAY, December 2, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Foster, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names.
Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—18.

MINUTES.

Minutes of Saturday were read and approved.
On motion of Mr. Miller,
The call of the districts was suspended.

RESOLUTION.

Mr. Wilson offered the following resolution,
Which was read and adopted :
Resolved, That in respect to the memory of the late N. L. Whitfield, Representative elect from Tuskaloosa county, who had not taken his seat in this General Assembly, and who departed this life this morning, the Senate do now adjourn until 10 o'clock to-morrow morning.

———

TUESDAY, December 3, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Foster, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—18.

Minutes of yesterday were read and approved.

CALL OF THE DISTRICTS.

On the call of the districts,

Bills were introduced as follows :

By Mr. Baker—

To provide for the removal of the county seat of Morgan county from Somerville to Decatur, in said county,

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee of three.

By Mr. Murphy—

To authorize the court of county commissioners of Madison county, to pay for fuel used in the offices of the probate judge, sheriff, and clerk of the circuit court of said county;

To change the time of holding the courts of chancery of the 5th district, northern division, of the State of Alabama;

To relieve B. F. Watkins to the disabilities of nonage;

For the relief of Mrs. Ann Spragins, widow of Elias C. Spragins, deceased ;

To consolidate the fund of fines and forfeitures and the general fund of the county of Madison.

By Mr. Harris—

To repeal an act approved December 16, 1871, entitled an act to re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad company, approved January 21, 1846 ;

Which bills were severally read twice, forthwith, under suspension of the constitutional rule, and referred to appropriate committees when raised.

To change the boundary line between the counties of Barbour and Russell;

Read first and second time, and referred to select committee of three.

By Mr. Black—

To provide against the evils resulting from the sale of intoxicating liquors in the State of Alabama.

By Mr. Wilson—

To regulate and provide for the payment of the fees of solicitors in certain cases.

By Mr. Haralson—

To provide counsel for, pauper criminals in Mobile county ;

To consolidate the fines and forfeiture fund and the general fund of Dallas county ;

Which bills were severally read twice, forthwith, under suspension of the constitutional rule, and referred to appropriate committees when raised.

JOINT RESOLUTION.

Mr. Wilson offered the following joint resolution,

Which was read and adopted :

"Resolved by the Senate (the House of Representatives concurring), That the two houses of the General Assembly meet in joint convention in the hall of the House on Thursday, the 6th instant, at 12 o'clock, meridian, for the purpose of electing a State printer for the next two years."

Senate afterwards reconsidered the vote by which said joint resolution was adopted, and the joint resolution was referred to a select committee, composed of Messrs. Goodloe, Pennington and Haralson.

Senate took a recess until 113/4 o'clock.

After the expiration of recess, the Senate was called to order.

At 12 o'clock meridian, Mr. President announced that the hour and day had arrived when, in compliance with the act of Congress upon the subject, it became necessary to proceed to the election of a

UNITED STATES SENATOR,

To fill the place of the Hon. George E Spencer, whose term would expire on the 4th March, 1873.

Mr. Harris put in nomination George E. Spencer.

Those who voted for Mr. Spencer are :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doser, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—19.

Senate then adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, December 4, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Foster, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered. to their names:

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Dosser, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Tones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—19.

Minutes of yesterday were read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, a bill was introduced

By Mr. Pennington—

To repeal an act entitled "an act to establish a new charter for the city of Opelika."

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Ordered forthwith to the House, without engrossment ;

RESOLUTION.

Mr. Doster offered the following resolution, which was read and adopted :

Resolved, That a committee of five be appointed by the chair, to revise the standing committees of the Senate, and report as early as practicable the number and names of such committees as they may deem proper and necessary for the efficient discharge of the public business devolving upon this body.

Messrs. Doster, Duskin, Pennington, Gilmore and Harris were appointed said committee.

SELECT COMMITTEES APPOINTED

Mr. President appointed Messrs. Baker, Chisholm and Glass, select committee on a bill "to provide for the removal of the county seat of Morgan county from Somerville to Decatur, in said county ;"

Also, appointed Messrs. Harris, Black and Murphy, select committee on the bill "to change the boundary line between the counties of Barbour and Russell."

Senate then took a recess until a quarter before 12 o'clock.

After the expiration of recess,

The Senate was called to order.

MESSAGE FROM THE HOUSE,

Inviting the Senate into joint convention to compare and announce the vote for United States Senator.

At 12 o'clock meridian, in compliance with the act of Congress on the subject, the Senate proceeded to the Hall of the House of Representatives, when the two Houses in joint convention proceeded to compare and announce the vote for United States Senator.

That portion of the journals of the Senate and House of Representatives relative to the election of United States Senator, held on yesterday, was read by the secretary and clerk respectively.

It appearing on comparing and estimating the votes cast for Senator to the United States Congress, that George E. Spencer had received seventy-two (72) votes, a majority of all the votes in each house of the General Assembly of Alabama, he was declared elected Senator to represent the State of Alabama in the Congress of the United States, for the term of six years from the 4th day of March, A. D. 1873.

On motion,

Then the joint convention adjourned, and the Senate returned to its chamber.

REPORT OF SELECT COMMITTEE.

Mr. Doster, from select committee, submitted a report relative to a revision of the standing committees, reducing them to twelve, as follows :

1. On Judiciary;
2. On Finance and Taxation;
3. On Internal Improvements;
4. On Municipal and County organizations ;
5. On Education ;
6. On Federal Relations ;

7. On Militia;
8. On Privileges and Elections;
9. On Printing;
10. On Poor Laws and Charitable Institutions ;
11. On Engrossed Bills ;
12. On Enrolled Bills ;

Said report was received, and laid over until to-morrow, under the rules of the Senate.

Senate then adjourned until 10 o'clock. to-morrow morning.

———

THURSDAY, December 5, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Foster, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Baker, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—18.

Minutes of yesterday were read and approved.

REPORT ADOPTED.

Mr. Doster's report, from the select committee on the revision of the standing committees, was taken up and adopted.

Mr. President announced the standing committees as follows :

ON JUDICIARY.

Messrs. Doster, Duskin and Gilmore.

ON FINANCE.

Messrs. Pennington, Wilson and Royal.

ON INTERNAL IMPROVEMENTS.

Messrs. Gilmore, Pennington and Curtis.

ON MUNICIPAL AND COUNTY ORGANIZATION.

Messrs. Chisholm, Miller and Curtis.

ON EDUCATION.

Messrs. Harris, Goodloe and Leftwich.

ON FEDERAL RELATIONS.

Messrs. Duskin, Pennington and Murphy.

ON MILITIA.

Messrs. Miller, Glass and Goodloe.

ON PRIVILEGES AND ELECTIONS.

Messrs. Duskin, Gilmore and Glass.

ON PRINTING.

Messrs. Wilson, Doster and Miller.

ON POOR LAWS AND CHARITABLE INSTITUTIONS.

Messrs. Murphy, Baker and Chisholm.

ON ENGROSSED BILLS,

Messrs. Dereen, Black and Baker.

ON ENROLLED BILLS.

Messrs. Baker, Chisholm and Black.

On motion of Mr. Royal,

The Secretary was authorized to have printed for the use of the Senate, not less than 100 copies of the rules, and the standing committees.

CALL OF THE DISTRICTS.

On the call of the districts, a bill was introduced.

By Mr. Wilson—

To amend sections 4341 and 4342 of the Revised Code of Alabama ;

Which was read twice, forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Haralson—

To abolish all boards of trade in the several cities of this State ;

Which was read twice, forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organization.

By Mr. Gilmore—

To provide for a State capitol;

Which bill was read twice, forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

MESSAGE FROM THE HOUSE,

Notifying the Senate that the House had passed the

SENATE BILL

To repeal an act entitled an act to establish a new charter for the city of Opelika.

Mr. Duskin announced the sudden death of Mr. R. L. Bennett, a Representative from Hale county, in the House of Representatives, and moved for the appointment of a committee of three to draft suitable resolutions relative to the deceased.

Messrs. Duskin, Doster, and Gilmore were appointed. said committee.

Senate then, in respect to the memory of the late Mr. Bennett; adjourned until 10 o'clock to-morrow morning.

FRIDAY, December 6, 1872.

Senate met. pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Foster of this city.

ROLL CALL.

On the call of the roll, the following Senators answered. to their names:

Messrs. Black, Chisholm, Curtis, Dereen, Doster, Buskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—18.

Minutes of yesterday were read and approved.

MESSAGE FROM THE HOUSE

Notifying the Senate of the passage of a bill which originated in the House,

To repeal an act entitled an act to amend the charter of the city of Selma;

And the adoption of a joint resolution proposing a joint convention, this day, at 12 o'clock meridian, for the purpose of electing a State printer.

CALL OF THE DISTRICTS.

On the call of the districts, bills were introduced :

By Mr. Haralson—

For the relief of the Alabama Central Railroad ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance.

By Mr. Pennington—

To authorize the presiding officer of the Senate, and the Speaker of the House of Representatives, to administer oaths;

Which bill was read twice, forthwith, and rules further suspended for it to be engrossed for a third reading.

REPORT OF SELECT COMMITTEE.

Mr. Chisholm, from select committee, report favorably to

SENATE BILL

To provide for the removal of the county seat of Morgan county from Somerville to Decatur, in said county ;

Said hill was made special order for 12 o'clock on Wednesday.

Mr. Duskin, from the select committee, reported the following preamble and resolutions, which were adopted unanimously :

WHEREAS, It has pleased an over ruling Providence, whose ways are wonderfully mysterious and inscrutable, to take from amongst ns suddenly and without warning the Hon. R. L. Bennett, a Representative in this General Assembly, from the county of Hale, who departed, this life December 6th, 1872 ; therefore, be it

1. Resolved, That this General Assembly sadly deplores the death of the Hon. R. L. Bennett; that his loss is felt and mourned by us all, and that in our estimation he was an honest man, of high moral character, and whose good sense, sound practical judgment, industry, patriotic devotion, and attention to business, eminently fitted him for efficiency as a safe legislator ; and that we regard his death at this trying juncture as a public calamity.

2. Be it further resolved, That this General Assembly deeply sympathizes with the afflicted family of the deceased, and in their distress and personal grief, tender them our heartfelt condolence.

3. Be it further resolved, That these resolutions be spread upon the journals to the Senate, and that the Secretary be instructed to transmit to the family of the deceased a copy of the same.

HOUSE BUSINESS.

Senate concurred in House joint resolution to go into the election of State printer ;

And also, passed House bill—

To repeal an act to amend the charter of the city of, Selma.

Senate took recess until ten minutes before twelve o' clock.

After recess, Senate was called to order by Mr. Pennington, in the absence of Mr. President.

JOINT CONVENTION.

At 12 o'clock, Senate proceeded to the hall of the House of Representatives, to unite in joint convention with the House for the purpose of electing a State printer.

There not being a quorum of the House present,

The convention adjourned until Tuesday next, at 12 o'clock meridian.

Senate then returned to its chamber.

LEAVES OF ABSENCE.

Leave of absence was granted to Mr. Pennington until Monday next ;

Also, to Mr. Harris, until Tuesday next;

Also, to Mr. Glass, and Mr. Leftwich, until Monday next.

Senate then adjourned. until Monday next, at 12 o'clock.

MONDAY, December 9, 1872.

Senate met pursuant to adjournment.

No quorum being present,

Senate adjourned until 11 o'clock to-morrow morn-

TUESDAY, December 10, 1873.

Senate met pursuant to adjournment.

Called to order by Mr. Pennington, in the absence of Mr. President.

PRAYER.

Prayer by the Rev. Mr. Foster, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—19.

MINUTES.

Minutes of Friday and yesterday were read and approved.

Notifying the Senate of the passage of a bill for the relief of Catharine C. Mullens, of Franklin county, and Nannie Bean, of Morgan county;

And of the adoption of a joint resolution proposing to extend the present session of the General Assembly.

RECONSIDERATION.

On motion of Mr. Haralson,
Senate reconsidered the vote by which was passed the

HOUSE BILL,

To repeal an act to amend the charter of the city of Selma ;
And the bill was laid. on the table for the present.

CALL OF THE DISTRICTS.

On the call of the districts, bills and joint resolutions were introduced as follows :
By Mr. Pennington—
To facilitate the payment of taxes by the tax collectors of the several counties of this State ;
Which bill was read three times, forthwith, under suspension of the constitutional rule, and passed ;
Ordered forthwith to the House, without being engrossed.
By Mr. Pennington—
Joint resolutions proposing the appointment of a joint committee to examine and report upon the accounts of the State of Alabama, with Messrs. Lehman, Durr & Co, of Montgomery, and Messrs. Duncan, Sherman & Co., of New York city, late financial agents of the State ;
Which were read and adopted.
By Mr. Wilson—
To amend section 2 of an act of the General Assembly of Alabama, entitled an act to re-enact and amend an act entitled an act to incorporate the Alabama Savings Bank, of Montgomery, approved February 12, 1867 ;
Which bill was read twice, forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.
By Mr. Jones —
To repeal "an act for the protection of plantations and lands against the depredations of stock in Lowndes county," approved December 31, 1867 ;
Which bill was read twice, forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.
By Mr. Haralson—
To amend section 22 of “ an act to regulate elections in this State," approved October 8, 1868 ;

To amend section 35 of "an act to regulate elections in this State," approved October 8, 1868 ;

Which bills were severally read twice, forthwith, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Miller—

To repeal an act to aid in opening and cleaning out the Big Escambia creek ;

Which bill was read twice, forthwith, tinder suspension of the constitutional rule, and referred to the committee on internal improvements.

REPORTS OF STANDING COMMITTEES.

Mr. Dereen, from the committee on municipal and-county organizations, reported favorably to

SENATE BILL

"To authorize the court of county commissioners of Madison county to pay for fuel used in the offices of judge of probate, sheriff, and clerk of the circuit court of said county ;"

Said bill was ordered to be engrossed for a third reading to-morrow ;

Also, from the same committee, reported favorably to

SENATE BILL

"To abolish all boards of trade in the several cities of this State ;"

Which bill was ordered to be engrossed for a third reading to-morrow.

JOINT RESOLUTION

Mr. Baker offered the following resolution,

Which was read and adopted :

" Resolved by the Senate (the House of Representatives concurring), That a joint committee be appointed, consisting of two on the part of each house, to wait upon the clergymen of the city of Montgomery, and invite them to attend and open the sessions of the Senate and House with prayer."

JOINT CONVENTION.

At 12 o'clock meridian, the Senate proceeded to the hall of the House of Representatives, to unite with the House in joint convention, for the purpose of electing a State printer.

NOMINATIONS BEING IN ORDER,

Mr. McAfee, of the House, nominated Arthur Bingham, of the State Journal.

Those who voted for Mr Bingham are—

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gil more, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington. Royal and Wilson, of the Senate—19. And Messrs. Speaker, Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene, Hannon, Hawkins, Hunter, Johnson, Jones, Lamb, Lewis, Levey, Lawrence, Lovvorn, McAfee, McCaskie, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reid, Simpson, Smith, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Taylor, Thomas, Threat, Walker, White, Williams of Barbour, and Williams of Montgomery, of the House—51 ; in all, 70.

Mr. Treadwell, of the House, voted for Mr. Fowler of Opelika ---1.

Mr. Bingham having received a majority of all the votes cast, Mr. President declared him duly and constitutionally elected State printer for the term prescribed by law.

Convention then, on motion, adjourned.

Senate returned to its chamber.

RESOLUTIONS.

Mr. Gilmore offered a resolution providing for representation in the Senate of the General Assembly of Alabama ;

Which was read, and referred to the judiciary committee, with instructions to report at 12 o'clock to-morrow.

HOUSE BILL,

For the relief of Catharine C. Mullins, of Franklin county, and Nannie Bean of Morgan county ;

Was read twice, forthwith, under suspension of the constitutional rule, and laid on the table.

HOUSE JOINT RESOLUTION,

Proposing an extension of the present session of the General Assembly, was read;

Mr. Doster moved to postpone the further consideration of the joint resolution until 12 o'clock meridian, on. Thursday next ;

Which motion, on motion of Mr. Wilson, was laid on the table ;

On motion of Mr. Duskin,

The joint resolution was made special order for 11 ½ o'clock on to-morrow.

To authorize the presiding officer of the Senate, and the Speaker of the House of Representatives, to administer oaths,

Was read a third time, and passed.

RESOLUTION.

Mr. Haralson offered the following resolution ;

Which was read, and laid on the table :

Resolved, That the Senate do now proceed to the election of an assistant engrossing clerk.

Senate then adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, December 11, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, .Leftwich, Miller, Murphy, Pennington, Royal and Wilson—19.

MINUTES.

Minutes of yesterday were read and approved.
On motion,
The call of the districts was suspended.

SECRET SESSION.

Senate went into secret session.

HOUSE JOINT RESOLUTION,

To extend the present session of the General Assembly,
Was read and concurred in ;
Yeas 14, nays 5.
Those who voted in the affirmative are—
Messrs. Baker, Black, Chisholm, Dereen, Duskin, Glass, Gilmore, Goodloe, Haralson, Jones, Leftwich, Murphy, Pennington and Wilson—14.
Those who voted in the negative are—
Messrs. Curtis, Doster, Harris, Miller and Royal—6.

REPORT FROM JUDICIARY COMMITTEE.

Mr. Gilmore, from the judiciary committee, submitted a majority report favorably to resolutions to provide for representation in the Senate of Alabama ;
Mr. Doster indicated that he would submit a minority report;
Whole subject was recommitted to same committee, with instructions to report at 11 o'clock to-morrow.

REPORT OF SELECT COMMITTEE.

Mr. Harris, from select committee, reported adversely to

SENATE BILL

To change the line between the counties of Barbour and Russell;
Which adverse report was concurred in.

COMMITTEE APPOINTED.

Mr. President appointed Messrs. Baker and Harris the committee on the part of the Senate to invite the clergymen of this city to attend and open the session of the Senate and House with prayer.

SENATE BILL

To provide for the removal of the county seat of Morgan county from Somerville to Decatur, in said county, was taken up as special order ;

Mr. Baker presented a petition from citizens of Morgan county in favor of the bill ;

Said bill was ordered to be engrossed for a third reading on to-morrow.

SENATE BILL

To abolish the boards of trade of the several cities in this State,

Was read a third time, and passed.

SENATE BILL

To authorize the court of county commissioners of Madison county to pay for fuel used in the offices of the judge of probate, sheriff, and clerk of the circuit court of said county,

Was read a third time, and laid on the table for the present.

Senate then adjourned until 4 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Called to order by Mr. Pennington, in the absence of Mr. President.

ROLL CALL.

On the call of the roll, the following Senators answered to their names.

Messrs. Baker, Chisholm, Curtis, Dereen, Doster, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Murphy, Pennington, Royal and Wilson—l5.

No quorum present.

Senate then adjourned until 10 o'clock to-morrow morning.

THURSDAY, December 12, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and. Wilson—19.

MINUTES READ.

Minutes of yesterday were read and. approved.

MESSAGE FROM THE HOUSE,

Notifying the Senate that the House had originated. and passed a bill—

To authorize the Governor to draw his warrant on the Auditor to meet contingent expenses;

And has passed the Senate bill—

To authorize the presiding officer of the Senate and the Speaker of the House of Representatives to administer oaths;

And had also passed a joint resolution providing for a joint committee to examine the offices of the Auditor and State Treasurer.

CALL OF THE DISTRICTS.

On the call to the districts, a bill was introduced by Mr. Haralson—

To amend section 4063 of the Revised Code of Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

HOUSE BILL,

To authorize the Governor to draw his warrant on the Auditor to meet contingent expenses, was read three times, forthwith, under suspension of the constitutional rule, and passed.

SECRET SESSION.

Senate then went in to secret session.

At the request of the judiciary committee, further time was given them to report on the Senate resolution—

To provide for representation in the Senate of Alabama.

REPORT OF JOINT SELECT COMMITTEE.

Mr. Duskin, from the Joint select committee, reported a "memorial," which the committee was appointed to prepare.

On his motion, 3000 copies were ordered to be printed for the use of the Senate.

MESSAGE FROM THE GOVERNOR,

Communicating a copy of a telegram from the Attorney General of the United States;

Which was read.

Mr. Pennington offered the following resolution,

Which was read and adopted :

Resolved, That we, members of the Senate of the Alabama General Assembly, concur entirely in the views expresed by his Excellency, the Governor, in his special message transmitted to this body, this day, and that we hereby express our entire willingness to submit to a settlement of all matters in dispute relative to the organization of the General Assembly of Alabama, in accordance with the conditions submitted by the Attorney General of the United States, and which was transmitted with the message of his Excellency.

Senate then took a recess until 4 p. m.

AFTER RECESS.

Senate met at 4 p. m.

MESSAGE FROM THE HOUSE,

Notifying the Senate of the passage of a resolution proposing a joint committee to report the most feasible mode of carrying into effect the settlement, &c ;

Which was concurred in, and Messrs. Wilson, Pennington, Haralson, Doster and Curtis appointed.

Senate then adjourned until 10 a. m. to-morrow.

FRIDAY, December 13, 1872.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—18.

MINUTES READ.

Minutes of yesterday were read. and approved..

HOUSE JOINT RESOLUTION

Proposing a joint committee to examine the offices of the Auditor and State Treasurer, was read and concurred in.

REPORT FROM STANDING COMMITTEE.

Mr. Gilmore, from the committee on internal improvements, reported favorably to

SENATE BILL

To repeal an act to aid in opening and clearing out the Big Escambia creek ;

Said bill was read a third time forthwith, under a suspension of the constitutional rule, and passed. .

MESSAGE FROM THE HOUSE,

Notifying the Senate that the House had originated and passed a bill

To declare William McKee, a liner between the counties of Randolph and Cleburne, a citizen of Randolph county ;

Said House bill was read twice, under suspension of of the constitutional rule, and referred to the committee on privileges and elections.

SECRET SESSION.

Senate went into secret session.
Senate adjourned until 10 o'clock to-morrow morning.

SATURDAY, December 14, 1872,

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. James Foster, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Royal and Wilson—17.

MINUTES READ.

Minutes of yesterday were read and approved.

RESOLUTION.

Mr. Doster offered the following resolution :

Resolved, That a committee of three be appointed by the President of the Senate to wait upon his Excellency the Governor, and ascertain whether he has any communication to make to the General Assembly, and request him to inform us whether any action has been communicated of him by the organization at the capitol, claiming to be the General Assembly of Alabama, either of their acceptance or rejection of the conditions of settlement suggested by Attorney General George H. Williams ;

Which was read and adopted.

MESSAGE FROM THE HOUSE,

Notifying the Senate of the adoption of a

JOINT RESOLUTION,

To provide for paying the funeral and medical expenses of the late R. L. Bennett;

Said joint resolution was read, and adopted, by the Senate.

REPORT OF SELECT COMMITTEE.

Mr. Doster, from select committee appointed under his resolution, submitted the following

REPORT:

To the Honorable Senate of Alabama :

Your committee, appointed to wait on his Excellency, the Governor, respectfully report that they have performed that duty, and that the Governor informed them that he had not received any official notice bf the action of the body at the capitol, calling themselves the General Assembly of Alabama, upon the proposition for compromise submitted to the two organizations claiming to be the General Assembly, by the Attorney General, Geo. H. Williams, and that he said communicated to Attorney General Williams the acceptance of said propositions, by the General Assembly setting at the court house, as the basis of settlement.

CHAS. S. G. DOSTER,
Chairman of Committee.

Which was received and the committee discharged.

SENATE BILL

To provide for the removal of the county seat of Morgan county from Somerville to Decatur, in said county

Was read a third time and passed.

SECRET SESSION.

Senate then went into secret session.

MESSAGE FROM THE HOUSE,

Transmitting a joint resolution providing for the appointment of a joint committee to wait upon the Governor and ascertain certain information.

Said joint resolution was adopted, and Messrs. Harris, Wilson and Haralson were appointed the committee on the part of the Senate.

Senate then took a recess until 3 p. m.

After recess, Senate was called to order.

No quorum being present,

Adjourned until 10 o'clock Monday morning.

MONDAY, December 16, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Foster, of this city.

ROLL CALL.

On the call of the roll the following senators answered to their names:

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Duskin, Glass, Gilmer, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Minutes of Saturday were read and approved,

REPORT OF A JOINT SELECT COMMITTEE.

Mr. Harris, from the joint select committee to wait on the Governor and ascertain whether the assemblage at the capitol had communicated their action relative to the terms of settlement proposed by the Attorney General of the United States, submitted the following report, which was read, and the committee discharged:

To the Honorable the Senate of the State of Alabama :

The joint committee selected to wait on the Governor and inform him "that it is the sense of this General Assembly that some decisive action should be had with reapect to the plan of compromise proposed by the Attorney General of the United States, by the assemblage at the capitol, and that the Governor should be officially informed thereof, without delay, so that the preliminary steps necessary to secure a temporary organization may be agreed on at once, in the event that assemblage accepts the proposed plan, beg leave to report that they waited

on His Excellency, in pursuance of said resolution, and. he informed your committee that he had not received any communication on the subject from the assemblage at the capitol.

WALTON B. HARRIS,
Chairman.

RESOLUTION.

Mr. Jones offered the following resolution:

Resolved, That the hall tenders of the Senate receive for services rendered, pay at the rate of four dollars per day;

Which resolution was read and lost—yeas 7, nays 10 ;

Those who voted in the affirmative are—

Messrs. Chisholm, Glass, Gilmore, Haralson, Jones, Murphy and Wilson—7;

Those who voted in the negative are—

Messrs. Baker, Black, Curtis, Dereen, Duskin, Harris, Leftwich, Miller, Pennington and Royal—10.

Mr. Jones offered the following resolution, which was read and adopted :

Resolved, That the hall tenders of the Senate receive their regular per diem for the first four days of the present session.

Mr. Haralson offered the following resolution, which was read and adopted :

Resolved, That the Rev. James Foster be allowed pay at the rate of $2.50 per day for ministerial services rendered.

Senate then adjourned until 10 o'clock to-morrow morning.

———————

TUESDAY, December 17, 1872.

Senate met pursuant to adjournment.

Called to order by the Secretary, in the absence of Lt. Gov. McKinstry.

Mr. Pennington was called to preside.

PRAYER.

Prayer by the Rev. Mr. Foster, of this city.

On the call of the roll, the following Senators answered to their names :

Messrs. Baker, Black, Chisholm, Curtis, Dereen, Doster, Duskin, Glass, Gilmore, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Minutes of yesterday were read and approved.

REPORT OF JOINT SELECT COMMITTEE.

Mr. Wilson from the joint select committee to arrange tne preliminaries relative to the "compromise," reported verbally.

House joint resolution, as follows, relative to preserving present organization, was read and adopted .

JOINT RESOLUTION.

WHEREAS, The Attorney General of the United States has proposed a compromise between the two bodies, each claiming to be the General Assembly of Alabama ; and

WHEREAS, The said agreement has been accepted by this General Assembly, and it is proposed to attempt to effect a reorganization upon the basis and terms of said proposed settlement:

Now be it known and hereby declared, That in making the effort to reorganize upon the basis of said settlement, it is hereby

Resolved, That this General Assembly does not yield, or in any sense impair, its present organization, unless and until the effort at said settlement shall have been consummated, and the two bodies claiming to be the General Assembly shall have reorganized as the General Assembly of the State of Alabama.

Mr. Black offered a joint resolution to refund certain monies to the Secretary, which was read and adopted.

Senate then adjourned, to meet at the capitol at 12 m.

FRIDAY, December 20, 1872.

Senate met pursuant to adjournment.

MESSAGE FROM THE GOVERNOR.

A message from the Governor was received, relative to completing the sale of the Alabama and Chattanooga Railroad, as follows :

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, December 20, 1872.

To the General Assembly of the State of Alabama :

GENTLMEN—It becomes my duty to inform you, that the contract of sale of the Alabama and Chattanooga Railroad company, arranged by my predecessor, was never completed as a contract. The deed was only placed in the hands of a third party, as an escrow, to become a complete contract, on the payment of certain amounts of money, in respect to which there has been default by the purchaser. The contract, therefore, is at an end, at the option of the State.

I have further to inform you, that I have an informal offer to purchase the said railroad property, embracing its road, franchises, telegraph, rolling stock, lands and other property, by an English company, by the terms of which they will pay all the bonds of the State for said road, excepting the bonds over-issued, and pay the January interest on the same, and the three hundred and thirteen thousand dollars, bid by Governor Lindsay, at bankrupt sale, for the road.

I respectfully ask authority from the General Assembly to make the sale.

I would state further, that only one hundred thousand dollars of the purchase money for said bankrupt purchase has been paid by the State, and unless the balance of the amount is paid before the meeting of the United States District Court in Montgomery, the sale will be vacated, and a second sale ordered. This is an additional reason for prompt action on this matter.

I have the honor to be,
Your obedient servant,
DAVID P. LEWIS,
Governor.

Which was read.

BILLS INTRODUCED.

Mr. Wilson introduced a bill—

To authorize the Governor of Alabama to sell and transfer all the property and franchises of the Alabama and Chattanooga Railroad company, bought for the State at the sale under the order of the District Court of the United States for the Middle District of Alabama, on the 22d day of April, 1872 ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed ;

Ordered forthwith to the House.

Mr. Pennington introduced a bill—

To maintain the credit of Alabama ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed ;

Ordered forthwith to the House.

Senate then took a recess until 8 p. m.

NIGHT SESSION.

Senate met pursuant to adjournment.

MESSAGE FROM THE HOUSE,

Notifying the Senate of the passage of a bill—

To amend an act to amend section eleven of an act to establish revenue laws for the State of Alabama ;

Also, joint resolution for a recess.

Senate then adjourned until 9 o'clock to-morrow morning.

SATURDAY, December 21, 1872.

Senate met pursuant to adjournment.

Minutes of yesterday were read and approved.

HOUSE BILL,

To amend an act entitled an act to amend section eleven (11) of an act entitled an act to establish revenue laws for the State of Alabama ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

HOUSE JOINT RESOLUTION,

Proposing a recess until the 13th day of January, 1873 ;

Was read and concurred in.

MESSAGE FROM THE HOUSE,

Notifying the Senate of the passage of

SENATE BILLS,

To maintain the credit of Alabama ;

To authorize the Governor to sell the property and franchises of the Alabama and Chattanooga Railroad company, &c.

Mr. President then declaared the Senate adjourned for recess until 12 o'clock meridian, of 13th day of January, 1873.

MONDAY, January 13, 1873.

Senate met pursuant to adjournment.

Mr. Gilmore was called to the chair.

No quorum being present,

On motion of Mr. Glass,

Senate adjourned until Thursday, the 16th instant, at 12 o'clock meridian.

THURSDAY, January 16, 1873.

Senate met pursuant to adjournment.
Mr. Baker was called to the chair.
No quorum being present,
On motion of Mr. Black,
Senate adjourned until Saturday, the 18th instant, at 12 o'clock meridian.

SATURDAY, January 18, 1873.

Senate met pursuant to adjournment.
Mr. Haralson was called to the chair.
No quorum being present,
On motion of Mr. Baker,
Senate adjourned until Monday next, at 12 o'clock, meridian.

MONDAY, January 20, 1873.

Senate met pursuant to adjournment.
Mr. Black was called to the chair.
No quorum being present,
Senate adjourned until Wednesday next, at 12 o'clock, meridian.

WEDNESDAY, January 23, 1873.

Senate met pursuant to adjournment.
Mr. Chisholm was called to the chair.
No quorum being present,
On motion of Mr. Haralson,
Senate adjourned until Friday next, at 12 o'clock, meridian.

FRIDAY, January 24, 1873.

Senate met pursuant to adjournment.
Mr. Haralson was called to the chair.
No quorum being present,
On motion of Mr. Chisholm,
Senate adjourned until 12 o'clock meridian on to-morrow.

SATURDAY, January 25, 1873.

Senate met pursuant to adjournment.
Mr. Haralson was called to the chair.
No quorum being present,
On motion of Mr. Baker,
Senate adjourned until Monday next, at 12 o'clock, meridian.

MONDAY, January 27, 1873.

Senate met pursuant to adjournment.
Mr. Haralson was called to the chair.
No quorum being present,
On motion of Mr. Black,
Senate adjourned until Wednesday next, at 12 o'clock, meridian.

WEDNESDAY, January 29, 1873.

Senate met pursuant to adjournment.
Mr. Haralson was called to the chair.
No quorum being present,
On motion of Mr. Chisholm,
Senate adjourned until to-morrow, at 12 o'clock meridian.

THURSDAY, January 30, 1873.

Senate met pursuant to adjournment.
No quorum being present,
On motion of Mr. Black,
Senate adjourned to meet in the capitol, to-morrow. morning at 10 o'clock.

SENATE CHAMBER, MONTGOMERY, ALABAMA,
Tuesday, December 17, 1872.

At twelve o'clock, meridian, Hon. Alexander McKinstry, Lieutenant Governor of the State of Alabama, appeared in the Senate Chamber, and took the chair.

SECRETARIES AND DOORKEEPER.

Messrs. M. P. Blue and Mike L. Woods were appointed secretaries pro tem., and Mr. D. M. Huson, doorkeeper pro tem., by the Lieutenant Governor.

ROLL CALL.

On the call of the roll, the following Senators answered. to their names, and filed their certificates of election; Mr. Black being in his seat as the only Senator from the Senatorial district composed of the county of Barbour:

From the First District—Daniel Coleman;
Third District—Wm. H. Edwards;
Fourth District—S. H. Murphy;
Fifth District—A. Snodgrass;
Sixth District—Thomas B. Cooper;
Seventh District—G. W. Hewitt;
Eighth District—R. W. Cobb;
Ninth District—J. M. Martin;
Tenth District—A. Cunningham;
Eleventh District—J. J. Robinson;
Twelfth District—John A. Terrell;
Thirteenth District—J. L. Pennington;
Fourteenth District—W. W. Glass;
Fifteenth District—W. B. Harris;
Sixteenth District—Benjamin Royal;
Seventeenth District—Jacob Black;

From the Eighteenth District—C. S. G. Doster ;
Nineteenth District—A. P. Wilson ;
Twentieth District—J. W. Jones ;
Twenty-first District—Jere Haralson ;
Twenty-second District—A. H Curtis ;
Twenty-third District—G. M. Duskin ;
Twenty-fourth District—Lloyd Leftwich ;
Twenty-fifth District—W. J. Gilmore ;
Twenty-sixth District—J. T. Jones ;
Twenty-seventh District—S. Walton ;
Twenty-eighth District—P. Hamilton ;
Twenty-ninth District—J. D. Driesbach ;
Thirtieth District—R. H. Ervin ;
Thirty-first District—E. W. Martin ;
Thirty-second District—W. H. Parks ;
Thirty-third District—J. M. Carmichael.

Mr. Haralson presented the certificate of election of J. C. Goodloe as Senator from the 3d district, which was filed.

It being suggested that in the matters of the contests for the seats as Senators from the 26th and 31st districts, an adjudication between the several contestants was probable.

An adjournment was then had until eleven o'clock to-morrow.

———

WEDNESDAY, December 18, 1872.

Senate met pursuant to adjournment ;
The Lieutenant Governor in the chair.

ROLL CALL.

On the call of the roll the following Senators answered to their names.

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Doster, Duskin, Edwards, Ervin, Glass, Gilmore, Hamilton, Haralson, Harris, Hewitt, Jones of Marengo, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson.

In the matter of the contest between J. T. Jones and J. W. Dereen, each of whom claims to be the Senator elect from the 26th district, Mr. Jones, upon agreement between the contestants, retired from his seat, and Mr.

Dereen appeared and took his seat as Senator from that district, subject to the right of contest on the part of Mr. Jones, as provided by law.

In the matter of the contest between E. W. Martin and William Miller, jr., each of whom claims to be the Senator elect, from the 31st district, Mr. Martin retained his seat as Senator from that district, subject to the right of contest on the part of Mr. Miller, as provided by law.

ELECTION OF PERMANENT OFFICERS.

Mr. Terrell introduced the following resolution ;

Be it Resolved by the Senate, That it do now proceed to the election of permanent officers, to consist of one-Secretary, one Assistant Secretary, one Engrossing Clerk, one Enrolling Clerk, one Door-Keeper, one Sergeant-at-Arms, and two pages, of the Senate.

Mr. Black moved to amend the resolution by striking; out "two pages;"

Which motion was carried.

Mr. Hewitt moved to amend the resolution by striking, out "one sergeant-at-arms ;"

Which motion was carried; and the resolution as amended was then adopted.

SECRETARY.

The Senate then proceeded to the election of a Secretary.

Mr. Martin of Tuskaloosa, placed in nomination Mike L. Woods, of Montgomery.

Mr. Royal placed in nomination M. P. Blue, of Montgomery.

Those who voted for Mr. Woods are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Hamilton, Hewitt, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—17.

Those who voted for Mr Blue are—

Messrs. Black, Curtis, Dereen, Doster. Duskin, Glass, Gilmore, Haralson, Harris, Jones, Leftwich, Murphy, Royal and Wilson—14.

Mr. Woods having received a majority of the votes cast, was declared duly elected Secretary of the Senate.

ASSISTANT SECRETARY.

The Senate then proceeded to the election of an Assistant Secretary.

Mr. Ervin placed in nomination Benjamin P. Garrett, of Coosa.

Those who voted for Mr. Garrett are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Doster, Duskin, Edwards, Ervin, Glass, Gilmore, Hamilton, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Robinson, Snodgrass, Terrell, Walton and Wilson—29.

Mr. Garrett having received twenty-nine votes, the whole number of votes cast, was declared duly elected Assistant Secretary of the Senate.

ENGROSSING CLERK.

The Senate then proceeded to the election of an Engrossing, Clerk.

Mr. Coleman placed in nomination W. V. Chardavoyne, of Lawrence county.

Those who voted for Mr. Chardavoyne are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Doster, Duskin, Edwards, Ervin, Glass, Gilmore, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Snodgrass, Terrell, Walton and Wilson—30.

Mr. Chardavoyne having received thirty votes, being all the votes cast, was declared duly elected Engrossing Clerk of the Senate.

ENROLLING CLERK.

The Senate then proceeded to the election of an Enrolling Clerk.

Mr. Carmichael placed in nomination James H. Graham, of Perry county.

Those who voted for Mr. Graham are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Doster, Duskin, Edwards, Ervin, Glass, Hamilton, Harris. Hewitt, Jones, Leftwich, Martin .of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington. Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—29.

Mr. Graham having received twenty-nine votes, being all the votes cast, was declared duly elected engrossing clerk of the Senate.

DOORKEEPER.

The Senate then proceeded to the election of a door-keeper.

Mr. Snodgrass put in nomination Patrick Doran, of Montgomery county.

Mr. Edwards placed in nomination Robert C. Clarke, of Elmore county.

Mr. Pennington placed in nomination W. D. Carter, of Montgomery county.

Mr. Black placed in nomination William Duncan, of Montgomery county.

Before the balloting commenced, Mr. Black withdrew the name of William Duncan.

Those who voted for Mr. Doran are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Ervin, Hamilton, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell, Walker, and Wilson—16.

Those who voted for Mr. Clarke are—

Messrs. Curtis, Doster, Duskin, Edwards, Glass, Gilmore, Haralson, Harris, Hewitt, Jones, Leftwich, Murphy, and Royal—13.

Those who voted for Mr. Carter are—

Messrs. Black, Dereen and Pennington—3.

Messrs. Black, Dereen and Pennington changed their votes to Mr. Clarke, making 16 votes for Mr. Clarke ;

The Senate being equally divided, Mr. President of the Senate voted for Mr. Clarke.

Mr. Clarke having received a majority of the votes cast, was declared duly elected door-keeper of the Senate.

Messrs. Woods, Garrett, Chardavoyne, and Graham were then duly qualified by taking the oath of office, and entered respectively upon the discharge of the duties of their offices.

Mr. Cooper offered the following resolution,

Which was laid on the table :

Resolved, That should the business of this Senate require an assistant engrossing clerk, that Mrs. L. L. Dupree be and is hereby appointed that assistant, her duties to commence with the necessity, and the pay to be the same as that of the principal.

On motion of Mr. Terrell,

Resolved, That the Secretary of the Senate be authorized to appoint two pages for the Senate.

Thereupon the Secretary appointed Masters William Cothran and Albert Pickett Woods, pages to the Senate.

Mr. Black offered the following joint resolution, which was adopted:

JOINT RESOLUTION,

To provide for a flag-staff and flag upon the capitol.

Be it resolved by the General Assembly of Alabama, That the Senate committee on public buildings and institutions, and the House committee on the "capitol" be and the same are hereby authorized to have a flag-staff placed upon the capitol, and the national flag hoisted thereon daily, during the sessions of the General Assembly.

Mr. Martin of Tuskaloosa, offered the following preamble and resolution, which was adopted ;

WHEREAS, It has been agreed by and between J. T. Jones and J. W. Dereen, each of whom claims to be the Senator elect from Marengo county, and by E. W. Martin and William Miller, jr., each of whom claims to be the Senator elect from the district composed of the counties of Butler and Conecuh, that the said Dereen and Martin shall be seated as the Senators from said districts respectively, subject to contests on the part of the said Jonea and Miller respectively ; therefore, be it

Resolved, That the said J. T. Jones and William Miller, jr., be allowed twenty days from the adoption of this resolution within which to commence said contests for the seats as Senators, claimed by them respectively.

On motion of Mr. Cobb,

Resolved, That the secretary of the Senate be instructed to notify the House of Representatives that the Senate is now organized, with the following officers :

Mike L. Woods, Secretary ;
Benj. F. Garrett, Assistant Secretary ;
W. V. Chardavoyne, Engrossing Clerk ;
James A. Graham, Enrolling Clerk ;
Robert C. Clarke, Door-keeper ;

And is ready for the transaction of business.

Mr. Haralson offered the following resolution :

Resolved, That seats in the Senate chamber be drawn for by Senators.

Mr. Carmichael offered the following substitute :

Resolved, That a committee be appointed for the purpose of assigning seats to Senators ;

Which Mr. Haralson accepted as the original resolution.

Mr. Doster offered the following substitute:

Resolved, That Senators continue to occupy the seats they now occupy.

On motion of Mr. Black,

The resolution and amendments were laid on the table.

Yeas 19—nays 13.

Ayes—Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Edwards, Ervin, Hamilton, Harris, Hewitt, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass and Walton—19.

Noes—Messrs. Carmichael, Coleman, Driesbach, Gilmore, Glass, Haralson, Jones, Leftwich, Murphy, Pennington, Royal, Terrell and Wilson—13.

On motion of Mr. Robinson,

Resolved, That the Senator from Mobile, the Senator from Lee, and the Senator from Shelby, be constituted a committee to prepare rules and regulations for the government of the Senate, and report the same to the Senate as soon as practicable.

Mr. Haralson moved to take the resolution and amendments in relation to seats in the Senate chamber from the table, which motion was lost.

On motion of Mr. Haralson,

The Senate adjourned until 12 o'clock to-morrow.

———

THURSDAY, December 19,1872.

The Senate met pursuant to adjournment.

Mr. Goodloe appeared and took his seat as Senator from the 2d district.

On the call of the roll the following Senators answered. to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Doster, Duskin, Edwards, Ervin, Glass, Gilmore, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—33.

The journal of Tuesday was read and approved.

The journal of yesterday was read and approved.

The Lieutenant Governor read and submitted the following ruling :

It is proper that I should announce the result of an examination of the compromise agreed upon, before we proceed any further.

Officers of the old organizations do not cease until the permanent organization of a House of Representatives, as provided by the terms of the agreed compromise, and there can be no new officers until then.

The Senate organizes with the Lieutenant Governor presiding, those holding certificates, and the Senators from Marengo and Conecuh as ascertained by a contest. The mode of contest is pointed out.

Nor shall the Senate do any other business before these contests are decided.

The appointment of tellers, as provided, to count the votes, has been waived, and Senator Martin has been taken as the Senator from Conecuh, subject to contest, of which notice was given in the Senate chamber.

I am constrained to decide that no other business is before the Senate until the contest is decided; and this ruling is as Lieutenant Governor presiding, according to the terms of the compromise. Any other construction would be a violation of the agreement made by the old organizations.

On motion of Mr. Ervin,

The Senate adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Mr. Parks offered the following

RESOLUTION.

Resolved by the Senate, That a committee of four, consisting of two democrats and two republicans, be appointed, who are hereby authorized and empowered to take into consideration the claims of all persons contesting seats in this body, and to report the result of their investigation to this house as early as practicable.

That notice shall be given by the chairman of said committee, who shall give the casting vote in all questions, in case of a division, of the times and places of the sessions of said committee.

That said committee shall be empowered to send for persons and papers, examine witnesses, and do whatever else may be necessary towards a fair and just ascertainment of the rights of the parties involved in said contests.

That the parties contesting hereunder are required to propound their respective claims, and to submit such.

evidence as they may desire, within fifteen days from the adoption of these resolutions.

On motion of Mr. Cobb,

The resolutions were amended so as to confine the investigating to the claims of the persons contesting for the seats from the district composed of Marengo county, and the district composed of Butler and Conecuh counties.

On motion of Mr. Hewitt,

The resolutions were amended so as to authorize the committee to sit during the recess of the Senate.

The resolutions, as thus amended, were then adopted.

Whereupon,

The President appointed Messrs. Duskin, Parks, Pennington and Terrell as said committee.

Mr. Hamilton, from the special committee on rules and regulations, submitted a report, which was received.

On motion of Mr. Hamilton,

The Senate adjourned until ten o'clock, to-morrow.

FRIDAY, December 20, 1872.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Parks, Pennington, Robinson, Royal, Terrell and Walton—25.

The journal of yesterday was read and approved.

Leave of absence was granted Messrs. Cobb and Hamilton until Monday next.

The Senate then proceeded to the consideration of the report of the special committee on rules and regulations;

On motion of Mr. Pennington,

The report of the committee was concurred in.

Mr. Cooper moved that the Secretary of the Senate be instructed to have two hundred and fifty copies of the rules, with the constitution of the State, printed for the use of the Senate.

Mr. Hewitt moved to amend by striking out " with the constitution of the State."

Which was lost—

Ayes 10—noes 21.

Ayes—Messrs. Coleman, Cunningham, Curtis, Goodloe, Hewitt, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, and Royal—10.

Noes— Messrs. Black, Carmichael, Cooper, Dereen, Driesbach, Duskin, Edwards, Ervin, Gilmore, Glass, Hamilton, Haralson, Harris, Jones, Leftwich, Pennington, Robinson, Snodgrass, Terrell, Walton, and Wilson —21.

The motion of Mr. Cooper was then carried.

Messrs. Duskin and Terrell were excused from serving on the committee to investigate the claims of the persons to seats as Senators from Marengo county, and Butler and Conecuh counties, and Messrs. Gilmore and Edwards were appointed upon said committee;

The committee is as follows, to-wit :

Messrs. Pennington, Parks, Gilmore and Edwards.

Mr. Pennington offered the following resolution,

Which was adopted:

Resolved, That the President of the Senate shall appoint some one, who shall act as Sergeant-at-arms, for the purpose of procuring persons and papers and other testimony required by the committee appointed on yesterday for the purpose of investigating the claims of certain Senators therein mentioned, to seats in this Senate; and said person shall attend upon said committee until the investigation is closed ;

Resolved further, That said committee shall have power to appoint a clerk ;

Thereupon,

Mr. President appointed Mr. D. M. Huson, as such sergeant-at-arms.

On motion of Mr. Carmichael,

The Senate adjourned until 3 o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Clarke appeared and qualified as door-keeper, by taking the oath of office, and entered upon the discharge of the duties of his office.

Mr. Wilson moved to adjourn until 10 o'clock to-morrow.

Mr. Haralson moved to adjourn until 12 o'clock to-morrow, which was carried.

SATURDAY, December 21,1872.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Loftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—29.

The journal of yesterday was read and approved.

Mr. Doster introduced the following joint resolution,

Which was adopted,

And ordered forthwith to the House.

Resolved, (the House of Representatives concurring), That when the two Houses of the General Assembly adjourn on to day, they will adjourn to meet again on the 13th day of January next, at 12 o'clock, m.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
December 21, 1872.

Mr. President :

I am directed to inform the Senate that the House has adopted the joint resolution passed y the Senate, proposing a recess until the 13th day of January next, with an amendment, in which the concurrence of the Senate is requested.

ROBERT BARBER,
Clerk.

The following is the amendment adopted by the House:

Provided, That a concurrence in this resolution to take a recess until the 13th day of January next, is not and and shall not be construed as an admission, in any sense or degree, by this body, that the Senate is an organized body under the laws of Alabama, or that there is a consummate permanent organization of the General Assembly of Alabama, under the plan proposed and now in process of being carried into effect under the plan of compromise of the Attorney General of the United States.

On motion of Mr. Hamilton,

The Senate adjourned until the 13th day of January inst., at 12 o'clock m.

MONDAY, January 13, 1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Ervin, Gilmore, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Royal, Snodgrass, Walton and Wilson—27.

The Journal of December 21st, was read and approved.

Mr. Cooper asked and obtained leave to enter a protest upon the journal in respect to the adjournment.

The committee on the contested cases from Marengo county, and Butler and Conecuh counties, asked and obtained farther time in which to make their report.

The Lieutenant Governor read the following explanation :

Senators :

The Lieutenant Governor presiding, according to the terms of compromise, is not at liberty to discuss questions with the Senators, neither is it becoming that he should use the press, or the stump, to explain himself. Still he has the privilege, as a personal right, to explain his rulings, or correct any erroneous report of them, or misunderstanding of them, by any Senator belonging to either of the organizations.

Two Senators of one of the organizations, have published an address to the people of the State of Alabama, purporting to be issued by " the Conservative members of the General Assembly," over their individual names, which appeared in the "Mobile Daily Register" and the "Montgomery Daily Advertiser."

In this address it is asserted by them that the Lieutenant Governor has, by his rulings and acts while presiding in the Senate Chamber, evinced a determination to postpone the organization of the Senate as proposed by the compromise, to the injury of the State of Alabama. And to show this, certain resolutions adopted by the organizations are set forth, which were introduced by a Democratic Senator belonging to the organization to which they belong.

This is a mistake. The Lieutenant Governor has pressed the speedy and full performance of the compromise, in every proper manner, at every stage of the proceedings.

These two Senators, according to his recollection, were seated in chairs in the Senate chamber when the Chairman of the Committee on the resolutions asked, while standing at one of the desks of the Senate chamber, for instructions, or an interpretation of them, as to their duties.

The Lieutenant Governor decided, that it was for the Committee to decide as to the time and place of taking the proofs, &c., the chairman of the committee having a casting vote in the event of a tie, and that it was their duty to act as speedily as practicable, and that they should do so within fifteen days, so that the Senate might be prepared to transact business, especially in reference to the financial condition of the State. This was on the morning of the 21st day of December, 1872. The compromise having been accepted on the morning of the 12th of December by the Republicans, and on the evening of the 14th of December, 1873, by the Democratic organization, the Democrats having had a copy of the plan of compromise before it was seen by the Republican organization, as one of the committee not a Senator knew.

One of the Senators whose name is attached to this address, insisted from the desk near to which he was standing, that the Committee were required to await the full fifteen days for the Marengo contestant to file any claim for his seat, (the terms of the compromise require that to be disposed of before any action could be had in the Senate chamber on the Conecuh contestant.) Other Democratic Senators questioned the correctness of the Lieutenant Governor's construction, and his authority to make any, and all of the Democratic Senators apparently coincided in that view, and so voted.

The Lieutenant Governor at that time stated that the necessary effect of that action was to postpone all further progress in the organizing of the Senate, until after the 5th day of January, 1873, which would be too late to provide for the payment of the interest on tile bonds due in New York and in London. But these Senators declined to act on either the Marengo or Conecuh question until after the 5th day of January, 1873, and the 5th was Sunday.

This explanation is made that the facts may be known, and the integrity of the proceedings had in the Senate chamber exhibited in the effort to harmonize and to completely fulfil the terms of the compromise agreed upon by the two organizations.

And it is only rendered necessary to be made, from the, fact, that in their address the two Democratic Senators,

appear to have forgotten it, or it may have escaped, their observation ; either of which may be inferred, from the tenor of the address by " the Conservative members of the General Assembly of Alabama."

ALEX. McKINSTRY,
Lieutenant Governor.

Montgomery, January 13, 1873.

On motion of Mr. Hamilton,
The Senate adjourned until Thursday at 12o'oclock.

THURSDAY, January 16, 1873.

The Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Gilmore, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—32.

On motion of Mr. Ervin,
The Senate adjourned until 12 o'clock, to-morrow.

FRIDAY, January 17, 1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin Edwards, Erwin, Gilmore, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson.

The journal of yesterday was read and approved.

Mr. Cooper moved to adjourn until Monday next at 12 o'clock.

Mr. President decided the motion out of order, it being the first business of the Senate to hear a report from the committee on the contested election cases.

Mr. Cooper appealed from the decision of the President.

Mr. President decided the appeal out of order, and declined to put the question.

Pending the discussion of which,

Mr. Pennington, from the committee on the contested election cases from Marengo and Butler and Conecuh counties, asked further time to make a report, which was granted.

On motion,

The Senate adjourned until 12 o'clock Monday next.

MONDAY, January 20,1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Erwin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—31.

The journal of Friday was read and approved.

Mr. Pennington, from the committee on the contested seats from the districts composed of Marengo county, and Butler and Conecuh counties, submitted the following

REPORT :

To the President and Senate of Alabama :

The committee of four appointed by resolution of the Senate to enquire into and report upon the contested seats from the districts of Marengo and Butler and Conecuh, respectfully report, that they have examined the returns and poll-lists connected with the election for Senator, in Marengo county, on 5th of November last, and also the registration lists of said county, and have taken the evidence of sundry witnesses presented by the contesting parties. From the witnesses thus examined, they find that upon a count of the votes actually cast in said election in that county for Senator, John W. Dereen received three thousand and eighty-seven (3087) votes ; James T. Jones, two thousand one hundred and forty-five (2145) votes, so that Mr. Dereen received the highest

number of votes actually cast at said election for Senator. We also find that for each of said candidates, a number of votes were cast which do not appear upon any registration list which has been presented before us.

We find that illegal votes were cast at said election in favor of both candidates ; we also find that the ballots and poll-lists of the Dayton box, in that county, were greatly injured and mutilated by being exposed to heavy rains in its transfer to the county seat, so that a number of ballots cannot be counted at all ; but making all deductions and allowances for these causes, the committee report that John W. Dereen received two hundred and forty-three legal votes more than his competitor Mr. Jones, and therefore received the highest number of votes cast for Senator from the Marengo district.

Your committee therefore report that John W. Dereen is legally entitled to the seat in the Senate of Alabama from said district for the common term.

The committee herewith return detailed statement of the returns and lists as prepared and submitted to them by agents employed for that purpose.

The committee request they may be discharged from further consideration of this subject, but ask further time that they may submit their report upon the contest in relation to the Butler and Conecuh district.

All of which is respectfully submitted,

J. L. PENNINGTON,
Chairman.
WM. H. PARKS,
WM. J. GILMORE,
W. H. EDWARDS.

On motion of Mr. Pennington,

The report of the committee was concurred in, and Mr. Dereen was declared entitled to the seat as Senator from the district of Marengo county.

Ayes 29—noes none ;

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell and Wilson—29.

On motion of Mr. Duskin,

The Senate adjourned until 12 o'clock to-morrow.

TUESDAY, January 21,1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered. to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell and Walton—30.

The journal of yesterday was read and approved,

Mr. Goodloe introduced the following resolutions :

WHEREAS, The death of the Hon. Wm. J. Gilmore, Senator from the county of Sumter, representing the twenty-fifth senatorial district in the General Assembly of Alabama, occurred in the city of Montgomery, while in the discharge of his duties devolving upon him by that trust ; and

WHEREAS, It is becoming to appropriately notice such events by this Senate ; therefore

Be it resolved by this Senate, That in the untimely death of Senator Gilmore, we lament the loss of an industrious, painstaking and worthy Senator of this body ; one who bid fair to be of service and value to his district, the State, and his country, in the discharge of the trusts reposed in him by the people of his district.

Be it further resolved, That in token of respect for the loss of his membership, this senate do adjourn until tomorrow at 12 o'clock m.

Be it further resolved, That a committee of three members of this Senate be appointed by the presiding officer to escort his remains to the place of interment, and assist in superintending his funeral rites.

Be it further resolved, That a copy of these resolutions be furnished to the widow or nearest relatives of the deceased.

Mr. Cooper called for a division of the question.

The question was first taken on the first resolution,

Which was unanimously adopted.

The question was then taken on the remaining resolutions.

Which were unanimously adopted.

Mr. President thereupon appointed Messrs. Parks, Black and Coleman the committee under the resolutions.

WEDNESDAY, January 22, 1873.

The Senate met pursuant to adjournment,

On the call of the roll the following Senators answered to their names:

Messrs. Carmichael, Cobb, Cooper, Cunningham, Curtia, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—29.

Journal of yesterday was read and approved.

Mr. Pennington, from the special committee on the contested election from Butler and Conecuh counties, asked until Saturday next to make a report.

Mr. Terrell offered the following resolution :

Be it resolved by the Senate, That the special committee to whom was referred the matter of contest for seat in said body between Edmond W. Martin and Wm. Miller, jr., from the 31st district, be and are hereby required to make a final report in said contested case by 12 o'clock m., on Friday, the 24th day of January, 1873.

Mr. Cobb offered the following amendment:

Strike out the word "require," and insert in lieu thereof the word "request." Strike out "Friday" and insert "Saturday."

On motion of Mr. Parks,

The resolution and amendment were laid on the table ;

Ayes 26, noes 2.

Ayes—Messrs Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Tuskaloosa, Murphy, Parks, Pennington, Royal, Snodgrass, Walton and Wilson—26.

Noes—Messrs. Robinson and Terrell—2.

On motion of Mr. Cobb,

The time asked by the committee to make a report was granted.

On motion of Mr. Carmichael,

The Senate adjourned until 12 o'clock to-morrow.

THURSDAY, January 23,1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names:

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—31.

The journal of yesterday was read and approved.

Leave of absence was granted to Mr. Black until to-morrow.

On motion of Mr. Ervin,

The Senate adjourned until to-morrow at 12 o'clock, m.

FRIDAY, January 24, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks , Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—82.

The journal of yesterday was read and approved.

On motion of Mr. Hamilton,

Resolved, That the door-keeper be instructed to have a screen or inner doorway constructed at the entrance to the Senate chamber, so as to protect Senators against drafts, of air from the main door.

On motion of Mr. Duskin,

The Senate adjourned until 12 o'clock to-morrow.

SATURDAY, January 25, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—32.

The journal of yesterday was read and approved.

On motion of Mr. Hamilton,

The committee in the contested election case from Butler and Conecuh counties was allowed until Monday next, at 12 o'clock, to make a report.

On motion of Mr. Hamilton,

The Senate adjourned until 12 o'clock, Monday.

MONDAY, January 37, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edward, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—30.

The journal of Saturday was read and approved,

On motion of Mr. Coleman,

Resolved, That a committee of three member of this Senate be appointed to wait on the clergy of this city, and request them to open the Senate with prayer.

Whereupon.

Mr. President appointed Messrs. Coleman, Duskin and Wilson, as said committee.

On motion of Mr. Harris, Mr. Pennington was allowed until 12 o'clock to-morrow, to make his report in the contested election case from Butler and Conecuh counties.

On motion of Mr. Robinson,

Messrs. Parks and Edwards, from said committee, made a report ;

Which was received and ordered to lie on the table without being read, until 12 o'clock to-morrow.

On motion of Mr. Cunningham,

The Senate adjourned until 12 o'clock to-morrow,

THURSDAY, January 28, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—28.

The journal of yesterday was read and approved.

Leave of absence was granted Mr. Glass for three days.

On motion of Mr. Cobb—

Resolved, That the Secretary of State be and he is hereby authorized and requested to furnish the members of the Senate each with a copy of the Revised Code and the Acts of the General Assembly, passed and adopted since February, 1868.

Mr. Goodloe offered the following resolution,

Which was adopted :

WHEREAS, The Hon. J. L. Pennington, chairman of the committee on the Martin-Miller contest, is reported to be seriously ill, and that he is unable to report in his place in the Senate Chamber; and—

WHEREAS, It is important that a report shall be had from him ; therefore,

Be it resolved, That a Senator be sent to the said Pennington to procure said report from the said chairman, and that said report be presented to the Senate, and shall be laid upon the table.

Thereupon,

Mr. President appointed Mr. Goodloe.

On motion of Mr. Cobb,

The Senate took a recess until 1 o'clock.

The Senate met at the appointed time.

Mr. Goodloe, appointed to procure Mr. Pennington's report in the Martin Miller contest, reported that he had discharged that duty, and submitted the report, and moved that the two reports, together with the evidence in the case, be printed.

On motion of Mr. Snodgrass,

The motion to print the reports and evidence was laid. on the table.

Ayes 16, noes 11.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Ervin, Hamilton, Harris, Hewitt, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—16.

Noes—Messrs. Black, Curtis, Dereen, Duskin, Goodloe, Haralson, Jones, Leftwich, Murphy, Royal and Wilson—11.

Mr. Goodloe moved, that the two reports of the committees be printed ;

Mr. Terrell moved to amend the motion to print by adding—

“Provided, That it be done to-day ;”

Which motion was lost.

Ayes 5, noes 22.

Ayes—Messrs. Ervin, Parks, Robinson, Snodgrass and Terrell—5.

Noes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Tuskaloosa, Murphy, Royal, Walton and Wilson—22.

Mr. Goodloe moved to amend his motion to print by inserting " two hundred copies ;"

Which was carried.

Mr. Hamilton moved to amend by adding,

"And that they be furnished to Senators as early as practicable ;"

Which was carried.

Mr. Cooper moved to lay the motion to print on the table;

Which was lost.

Ayes 5, noes 22.

Ayes—Messrs. Coleman, Cooper, Robinson, Snodgrass, and Terrell—5.

Noes—Messrs. Black, Carmichael, Cobb, Cunningham, Curtis, Dereen, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Tuskaloosa, Murphy, Parks, Royal, Walton, and Wilson—22.

The motion to print the two reports was then carried.

Mr. Duskin moved to print the evidence taken by the committee in the Martin-Miller contest,

Which was carried—

Ayes 20, noes 7.

Ayes— Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Murphy, Royal, Walton and Wilson—20.

Noes—Messrs. Coleman, Ervin, Martin of Tuskaloosa, Parks, Robinson, Snodgrass and Terrell—7.

Mr. Goodloe moved to adjourn until 12 o'clock to-morrow.

Mr. Haralson moved to adjourn until 10 o'clock to-morrow.

The question being taken on the motion to adjourn until 12 o'clock to-morrow,

It was carried.

Ayes 15, noes 13.

Ayes— Messrs. Black, Carmichael, Curtis, Dereen, Duskin, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Murphy, Royal, Walton and Wilson—15.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Ervin, Hewitt, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass and Terrell—13.

WEDNESDAY, January 29, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—29.

The journal of yesterday was read and approved.

Mr. Haralson offered the following resolution :

Resolved, That five hundred copies of the report and evidence of the contested election case in regard to the seating of John W. Dereen, as the Senator from Marengo county, is hereby ordered to be printed for the use of this Senate.

On motion of Mr. Parks,

The resolution was laid on the table.

Ayes 18, noes 9.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Harris, Hewitt, Martin of Tuskaloosa, Parks, Robinson, Terrell and Walton—18.

Noes— Messrs. Black, Curtis, Dereen, Haralson, Jones, Leftwich, Murphy, Royal and Wilson—9.

Leave of absence was granted Mr. Edwards for ten days.

Mr. Cooper moved to reconsider the vote taken yesterday by which the Senate ordered the evidence taken by the committee in the Martin-Miller contest to be printed, the consideration of which motion was postponed until 10 o'clock to-morrow,

And it was made the special order for that hour.

Mr. Parks offered the following resolutions :

WHEREAS, the printing of the reports and accompanying evidence in the election case before the House has not yet been completed, and from the most accurate information that can be obtained, will not be completed for several days to come ; and,

WHEREAS, Several Senators voted for the printing of the evidence, with the understanding that the same would be ready for the use of the House by 12 o'clock of to-day ; and,

WHEREAS, It is considered that the principal questions presented in said reports are questions of law, arising upon the facts embraced in said reports ; and to ascertain which, and to arrive at a speedy and just determination of the main question,

Resolved, 1st. That the further printing of the evidence be suspended until further ordered by this house.

2d. That both reports, which were ordered on yesterday to be printed, be now read.

Mr. Hewitt moved as a substitute for the resolutions—

"That the reports be now taken from the table and read."

Mr. Haralson moved to lay the resolutions and substitute on the table,

Which was lost.

Ayes 5, noes 23.

Ayes—Messrs. Dereen, Haralson, Jones, Leftwich and Royal—5.

Noes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Harris, Hewitt, Martin of Tuskaloosa, Murphy, Parks, Robinson, Snodgrass, Terrell, Walton and Wilson—23.

Mr. Hewitt's motion was then carried, and the resolutions thus amended were adopted.

The reports were read as follows :

MR. PENNINGTON'S REPORT.

SENATE CHAMBER,
January 17, 1873.

To the Mr. President and
Honorable Senate of Alabama :

The committee charged with the duty of taking evidence and reporting on the case of contest between Wm. Miller, jr., and Edmund W. Martin, from the 31st Senatorial district, have examined a large number of witnesses, and both parties insist on the examination of other and additional witnesses, but public expectation, as well as the feeling among Senators, seemingly demand that the committee be heard from, they beg leave to report, that in their opinion, based on the law and the facts elicited by the examination of witnesses in the investigation, William Miller received a majority of the legal votes cast at the election on the 5th of November, 1872, in the 31st Senatorial district, and is entitled to the seat now held by Edmund W. Martin ; and that the said Edmund W. Martin, not having received a majority of votes legally cast, counted and returned at the said election, is not entitled to the seat he now holds in the Senate.

The evidence is very voluminous, between thirty and forty witnesses having been examined, and the time of the committee having been employed in the examination of witnesses and taking down the testimony, but little opportunity has been afforded them to examine the testimony with that care and thoughtfulness necessary to enable them to make an elaborate report. But, if we assume that an act entitled "An act to regulate Elections in this State," approved October 8, 1868, be, as is contended by many and no doubt was meant to be by the framers of the law itself, the only law on elections in force in this State, and that in the enactment of this statute all other election laws in force in this State were repealed, then it is clear that all the 453 votes cast for Edmund W. Martin at the said election in that part of Escambia county taken from Conecuh, were illegal, and should not have been counted, for the reason that the persons voting them voted two pieces of paper or two tickets, and they were put into two separate and distinct boxes. And as the majority returned for Martin by the supervisors is only 361 votes, if we count Miller's Escambia vote, it will be seen that the votes thus illegally cast for Martin in Escambia being thrown out, Miller is elected and is entitled to the seat-

The State Constitution carefully prescribes the qualifications of voters, and that the elector shall vote by ballot in all elections by the people. But the Constitution is silent upon the question what the ballot must contain, or what shall be its form or frame

It is completely settled that when the Constitution has conferred a political right or privilege, and when the Constitution has not particularly designated the manner in which that right is to be exercised, it is competent for the Legislature to make any reasonable and convenient regulation of the mode of exercising that right which does not impair the right itself. It is also settled that when such regulation of the mode of exercising the right itself has been clearly prescribed by the Legislature, the owner of the right deprives himself of it and loses it, by his own voluntary neglect to comply with such regulation and with the mode so prescribed. See Capen vs. Foster, 12th Pickering's Reports, p. 485 ; Reid vs. The State, 1st Alabama Reports, p. 612 ; Dover vs. The State, 45th Alabama Reports, p. 244.

When the law prescribes the thing to be done, and also the form in which it is competent to do it, "the form becomes an essential ingredient of the manner of exercising the power conferred ; and when there is but one form, and there is no authority given to vary it, this is the only form applicable to the specific remedy." See Dover vs. The State, supra ; Boykin vs. Rain, 28th Alabama Reports, p. 332; Boykin vs. Alabama Life Insurance and Trust Company, 38th Alabama Reports, p. 510.

The right to bear arms in defence of the citizen and the State is plainly secured by the State Constitution, yet the Legislature may regulate the manner in which that right is to be exercised. And therefore the statute which makes it unlawful and indictable to carry weapons concealed about the person, is a valid exercise of legislative power. See Reid vs. The State, supra.

So the right to vote is secured by the Constitution to very citizen who has the qualifications prescribed by the Constitution. Yet the Legislature may regulate and prescribe the manner in which that right is to be exercised.

By the act entitled "An act to regulate Elections in this State," approved October 8, 1868, the Legislature has plainly prescribed the manner of voting, and has confined each voter at any single election to a single white paper ticket, on which the names of all the persons for whom he intends to vote must appear. Sections 31, 32 and 33 of that act, are in the following words :

SECTION 31. Be it further enacted, That the ballot must be a white paper ticket, on which must be written or printed, or partly written and printed, the names of the persons for whom the elector intends to vote, and must designate the office for which each person so named is intended by him to be chosen.

SEC. 32. Be it further enacted, That whenever any registered voter offers to vote, his ballot must be received, and one of the inspectors must call his name audibly and distinctly, and the name of each elector whose ballot has been so received, must immediately be taken down by each clerk on separate lists, which are headed names of voters, and called poll lists, and the number of the order in which such elector votes, must at the same time be entered by each clerk against his name, the first elector voting being number one, the second number two, and so on to the last elector voting.

SEC. 33. Be it further enacted, That one of the inspectors must number each ballot with the same number as the name of the voter on the poll-list, and the ballot mast then, without being opened or examined, be deposited in the proper ballot, box.

Section 99 of said act expressly repeals "all election laws and parts of election laws in force in this State, approved prior to this act, of a general nature."

No plainer or more imperative language can be employed than is employed in the definition of the ballot contained in the sections here quoted. This language absolutely excludes the idea that any voter can at any election give more than one ballot, one ticket, no matter how numerous the candidates may be. If under this state of the law, a voter at any single election can lawfully vote two tickets, it is impossible to deny him the right to make his tickets as numerous as the candidates for whom he intends to vote at each election. No voter in this State is permitted by law to do any such thing. And if the voter chooses to violate the law which regulates his right in the mode of its exercise, he does an unlawful act, and thereby deprives himself and all others from insisting upon the validity of this unlawful act.

It is enough that each voter be allowed at each election to vote a single ticket, on which he may put the names of all the persons he intends to vote for. And when the law of the land confines the voter to a single ticket at each election, his voting two or more tickets takes away all force and validity from any and all his tickets. The

reason is, that such act is a lawless act, and cannot be efficiently discouraged and prevented otherwise than by treating it as wholly void.

For these reasons, we are clearly of the opinion that the votes cast for Miller, in Escambia county, which numbered, according to Martin's witnesses, we believe, 221, and which were thrown out for the alleged reason that the name was written or printed on the general ticket and voted by person who voted but one ticket or ballot, should be counted, because they were voted in strict conformity with an act entitled " An act to regulate elections in this State." And we are further of the opinion that the 453 votes counted for Martin in Escambia county were illegal, and should not have been counted, for the reasons heretofore given.

It is further evident, as will be seen by a reference to the testimony before the committee, that most glaring irregularities, if not gross frauds, were permitted and perpetrated in both of the counties of Butler and Escambia. In Escambia three boxes were opened contrary to any existing law, and it is a noticeable fact that not a vote was returned at either of the three boxes for Miller. It is in evidence that there was no comparison of poll lists with ballots as required by law. It is also in evidence that some days after the investigation had been commenced, and after a number of witnesses had been examined, from Pollard and vicinity, that two of the supervisors and one of the inspectors entered the office of the judge of probate, on the Sabbath day, and looked over and handled the ballots. It is also in evidence that the vote in that part of Escambia voting with Conecuh was unusually large, and that Miller ran ahead of the Republican ticket, receiving a number of Democratic votes, and yet no votes were returned for Miller from that county, whilst the votes returned for Martin from that county exceeded the whole legal voting population of Escambia voting with Conecuh.

In Butler the evidence of the supervisors is very conflicting, and when the judge of probate was required to bring his lists, ballots, &c., before the committee, no ballots or tickets were produced from three of the precincts, though the ballots from one of these three precincts were brought in afterwards by another witness, who was an inspector at the place where they were voted. He brought them wrapped in a piece of newspaper in his pocket, and said they had never been returned to the supervisors. This was Monterey precinct, where Martin

is put down as receiving 90, and Miller 3 votes. In his first, evidence the Judge of Probate testified that, the ballots were sent up from all the precincts but one, to-wit : Monterey ; and on his second examination, said he so believed, but that he could not find the ballots from two other precincts, viz : Manningham and Dead Fall, when they were called for by the committee. At Manningham, the vote, as shown by the inspector's returns, stood : Martin 72, Miller 148. The sheriff, who was one of the supervisors, testifies that the ballots from Manningham were returned and delivered to the judge of probate. It is also in evidence that a number of minors voted at Greenville, and that there was some repeating there.

There was no comparison of the poll lists and ballots by the supervisors in Butler county, as required by law ; and while there may have been, and doubtless were, illegal votes cast for both the contestants, we are forced to the conclusion, from the evidence, that the number of illegal votes counted for Martin was much larger than the number counted for Miller.

The vote for Mr. Martin as estimated and returned by the Supervisors, was :

Butler county.....	1,389
Conecuh county.....	681
Escambia county.....	453
Total.....	3,523

The vote for Mr. Miller was :

Butler county (as returned- by the Supervisors)	1,185
Conecuh co. (as returned by the Supervisors)	856
Escambia county, not returned but found to have been voted..... ..	221
Total.....	2,262

This shows a majority for Mr. Martin of 261. But deduct the 453 illegally voted, returned and counted for Mr. Martin, in Escambia county, and deduct the vote cast for Mr. Martin at the precincts of Monterey, Manningham and Dead Fall, in Butler county, illegally estimated and counted, aggregating 204 votes, and it leaves Mr. Miller a majority of 346 votes, and he is therefore entitled to the seat. And besides, it will be seen by a careful examination of the evidence, that quite a number

of illegal votes were voted, counted and returned at Greenville, at Pollard, and also at other places in Butler and Escambia counties, for Mr. Martin.

It is worthy of remark-, that all the inspectors and all the returning officers, and all the supervisors in the counties of Butler and Escambia acting in the election here contested, were Democrats, and supporters of Mr. Martin and opponents of Mr. Miller.

The foregoing result is not varied or effected by sections 397, 398 and 399 of the Revised Code, even if those sections are deemed to be of full force. Those sections were adopted before 1853, and are of "a general nature." They relate to "every new county as to the right of suffrage and representation" until entitled by its numbers to "separate representation," to every elector in each new county, and to every election and every return of an election in such new county.

If these sections are election laws, or parts of election laws. they are expressly repealed by section 99 of the election act of October 8, 1868. If thus repealed, they are not to be considered as effecting the present case. But even if they are not thus repealed, they give no countenance or validity to the vote of any elector who voluntarily voted two or more tickets at an election held since October 1868. These sections do not define or describe the manner or mode in which each elector shall vote, or in which his ticket is to be framed. They therefore can operate in perfect harmony with those sections of the election law of 1868, which define and describe the frame and contents of the single ticket which each voter is entitled to vote at each election. There is nothing in those sections or in any other sections of the Revised Code which conflicts with section 31 of the election law of 1868, or impairs the force of this last mentioned section. Hence, it is perfectly clear, that under the existing law of Alabama no elector is allowed to vote more than one ticket at any one election ; and that if any elector, at any one election, voluntarily votes two or more tickets, he does an unlawful act, which renders all his tickets so voted by him null and void.

The application of this law to the clearly proved facts of the case, entitles William Miller, jr., to the office of Senator, here in contest. For all the votes given for his opponent, Edmund W. Martin, in that part of the new county of Escambia which was taken from Conecuh, were given by men who, at the election when they voted for Mr. Martin, voluntarily voted two separate tickets,

upon one of which Mr. Martin's name appeared, and upon the other of which the name of other candidates appeared ; and these two separate tickets were publicly placed in separate boxes, at the time they were voted. Treating all such double tickets as null and void, and deducting from the reported vote for Mr. Martin all such double tickets given by those who so voted for him, it is clear that Mr. Miller received a larger number of legal and valid votes than were given for Mr. Martin.

Mr. Martin is defeated, if the election law of 1868 is considered as the whole law upon the subject. He is defeated, if that law and sections 397, 398 and 399 of the Revised Code are considered together as parts or parcels. of harmonious provisions of the whole law. He is also defeated, if sections 397, 398 and 399 of the Revised Code are considered as of controlling force in the case. Those sections are in the following words :

"397. New County not entitled to separate representation, to vote with County from which taken.—Every new county, as to the right of suffrage and representation, is to be considered as part of the county or counties from which it was taken, until entitled by its numbers to the right of separate representation.

"398. No Elector can vote except at precincts within his old county.—No elector can vote at any precinct in any new county, for representation in Congress or member of the General Assembly, until an act of the General Assembly is passed, giving to such county a separate representation, unless such elector would have been entitled to vote at such precinct for such officers before the formation of such new county.

"399. Inspectors and Returning officers to make returns of elections to Congress and General Assembly to officers of old Counties.—The inspectors and returning officers of each election precinct in any new county must, until such county is entitled to a separate representation, make returns of the elections of representatives in Congress and members of the General Assembly to the returning officer of the county in which such precinct was situated before the formation of such new county ; for all other officers, the returns must be made to the returning officer of such new county."

This language is very explicit. Every new county, as to the right of suffrage and representation, is to be considered as part of the county or counties from which it was taken ; until entitled by its numbers to the right of separate representation. Hence all those who resided in

that part of Escambia taken from Conecuh, who were entitled by the Constitution to vote at all, are by section 397 of the Code required to exercise that right as if still in Conecuh, except in so far as section 398 permits otherwise. And by section 398 the permission as to members of the General Assembly is plainly at a precinct in the new county, to such electors " as would have been entitled to vote at such precinct for such officers before the formation of such, new county." Only such voters are allowed to vote at a precinct in "any new county" ; all other qualified voters must vote in the old county, and at some precinct therein, and precisely as if the new county had not been formed. In other words, the formation of a new county does not destroy the constitutional rights of any elector to vote for members of the General Assembly, and to vote in the old county, unless the law has put it in his power to vote lawfully in the new county. All statutes must be construed, if possible, so as to make them operate in subjection and subordination to the Constitution. When this can be done, the statutes must be upheld, but in subordination to the Constitution. When this cannot be done, the statute must be treated as void.

Section 399 requires all returns of elections at any precinct " in any new county" for members of the General Assembly to be made "to the returning officer of the county in which such precinct was situated before the formation of such new county." By section 239 of the Revised Code, the sheriff is the returning officer of the county for all general elections. The probate judge is not the returning officer.

Treating the foregoing sections of the Code as the law which governs this case, the proof is clear that Mr. Martin is not elected.

It is proved beyond doubt that more persons voted for Mr. Martin at the precincts in that part of Escambia taken from Conecuh, who were not entitled to vote at such precincts before the formation of such new county of Escambia, than his reported majority over Mr. Miller in the whole Senatorial district ; and that not a single return from these precincts has been made to "the returning officer " (the sheriff) of the old county of Conecuh.

The true principle as to the frame of the ballot is well stated by the Supreme Court of the United States, in the following words : "Rules of form, in certain cases, have been prescribed by law ; and where that is so, those rules must in general be followed." Baldwin vs. Bank Newberry, 1 Wallace, 241.

If one of the prescribed requisites of the law as to the frame of the ballot can be dispensed with, every one of these requisites may be dispensed with. But it is settled that there is no such dispensing- power over the law. The General Assembly may repeal or amend the law, but until thus repealed or amended, the members of the Legislature are as fully bound by it as any officer or citizen. Except by repeal or amendment, there is no way to dispense with the law. Boykin vs. Rain, 28 Ala. Rep., 340 ; Harrell vs. The State, 26 Ala. Rep. 56.

In view of the adjudged cases, it is worse than idle to attempt to get rid of the plain requisites of the election law as to the ballot, by pretending that it is merely directory, and that every voter may disregard it, and put in as many votes as he pleases.

Respectfully submitted,

J. L. PENNINGTON,

Chairman Committee.

REPORT OF MESSES. PARKS AND EDWARDS.

To the Honorable, the President of the Senate, and to the Senate of Alabama:

The special committee to whom by resolution of the Senate adopted on the 19th of December, 1872, it was referred, to examine into and report upon the right of Hon. Edmund W. Martin and Hon. William Miller, jr., to the seat in the Senate from the thirty-first Senatorial district, composed of the counties of Butler and Conecuh, and so much of the county of Escambia as formally belonged to the county of Conecuh, respectfully report :

Your committee have diligently investigated the charges contained in the petition of Mr. Miller, and have examined numerous witnesses.

By the allegations of Mr. Miller it appears that Mr. Martin was allowed by the supervisors of elections in. that District the following votes, to-wit :

Butler	1389 votes.
Conecuh	681 "
Escambia	453 "
Total	2523 votes.

And that Mr. Miller was allowed :

Butler.....1185 votes
Conecuh..... 856 “
And from Escambia..... 000 “

Total..... 2041 votes

Giving Mr. Martin a majority of 482 votes.

Mr. Miller claimed that he had received in Escambia sufficient votes to overcome that majority.

Your committee find that in fact no votes from Escambia were allowed to Mr. Miller, and they find that the reason of no votes being credited to him from that county, was because different views of the law as to elections in new counties not yet separately represented in the legislature, were taken by the different political parties.

The managers for the republican party caused only one ticket to be used for all the officers voted for.

While the managers for the democratic party followed the advice given to electors in counties so situated by Gov. Wm. H. Smith, as contained in his proclamation of October 28, 1870, in conformity with sections 397, 398, and 399, of the Revised Code.

Those sections give directions as to the manner in which the electors residing in such new county shall vote, and to what officer their vote shall be returned. They direct inspectors to make returns of elections for representatives in Congress and members of the General Assembly to the returning officer of the county in which such new precincts was situated before the formation of such new county. For all other offices, the returns must be made to the returning officer of the new county.

All the precincts complained of by Mr. Miller because separate tickets and separate boxes were used, instead of one ticket and one box, as is required in counties which have their representation, are in that part of Escambia county which was taken from Conecuh county.

By the provisions of the Code above quoted, and as they were carried into effect at the election of 1870, under the proclamation of Governor Smith, the returns from these precincts of the election for members of the General Assembly should be made to the judge of probate of Conecuh county. A Senator is a member of the General Assembly. So that the case falls precisely within the provisions of the law and proclamation above cited.

The committee therefore report that the returns from Escambia county allowed to Mr. Martin from the Escambia precincts were rightly allowed to him, and this objection made by Mr. Miller is untenable.

While the committee however thus approve the allowance of the vote cast in Escambia for Mr. Martin, against the objection of Mr. Miller, they report that the votes cast at the precincts in that county for Mr. Miller should be allowed to him, as he claims.

It is true that in the judgment of the committee these votes were irregularly cast, not in the manner provided. by law, still neither the candidate nor the electors should be deprived of their rights, by any irregularity of the managers of the election. The object of the election is to obtain for the people an expression of their wishes, as to who shall represent them. This is done by their ballots. Managers, inspectors, returning officers, precincts, boxes, are only instrumentalities employed to obtain that expression of their wishes, and the means should never be preferred to the end they are to secure The right to an elective office is derived from the election alone ; and when a contest of the right is to be determined by the tribunal charged with the investigation, it is that alone which is to be ascertained, and when ascertained should be recognized.

This is the principle declared and obeyed by the Supreme Court of this State in the several contested election cases reported in its decisions.

It appears from the evidence that at these precincts Mr. Miller received 213 votes, which were not, but which should be, allowed to him. This raises his vote to 2254 votes against Mr. Martin's 2523 votes.

Mr. Miller claims that the 53 votes allowed Mr. Martin at Owens, Strangers and Bethea's precincts in Escambia county should be disallowed, because these preempts were established by the court of county commissioners on the 1st Monday of August 1872, instead of the 1st Monday of January, the time named in the election act of 1868.

The committee do not adopt this view, because that provision is plainly directory only and not mandatory. This clearly appears from the proviso to the section (S. 17.)

The act was passed October 8,1868. Section 17 directs the courts of county commissioners to divide their counties into precincts for election purposes, with defined boundaries, provided no change in, the precincts as then existing should be made before 1st Monday of January,

1869. There was no month of January intervening between these dates. Yet the proviso forbade any action before the last named date.

There was nothing for the proviso to act upon if the power existed only on the 1st Monday of January. This view accords with all the decisions as to what is a directory, and what a mandatory statute.

The committee are therefore compelled to report that this objection of Mr. Miller cannot be sustained.

For the same reason the committee cannot yield to the objection of Mr. Miller as to the boxes at the Escambia precincts not being famished by the court of county commissioners. Section 20, of act of 1868, is a directory provision which the county commissioners should have obeyed, but their neglect to obey, can not defeat the right of the electors at the appointed time and place to express their will by the deposit, with the proper officers, of their ballots.

For reasons already stated, the committee can not yield to the objection presented by Mr. Miller, that the boxes at Elam church, Brewton and Pollard were not immediately sealed up and returned within, forty eight hours to the judge of probate of Conecuh county. The evidence does not show any fraud committed or intended.

It does appear the boxes were fastened up, though not with wax, and were returned to that officer very shortly after the election.

The committee find nothing suspicious in the facts ; and the law is very plainly declared in the Alabama decisions before referred to, that irregularities by inspectors and returning officers, and their non-observance of the directions of the law, cannot deprive either the officer or the electors of their rights, which are already fixed by the election at the time and place appointed. The majority of votes cast by persons legally qualified to vote must at last and finally determine who is the successful candidate, and irregularities by inspectors and returning or other officers charged with conducting the election, cannot defeat the result so pronounced by the majority of votes.

It is objected and proven that the ballots in Monterey, Manningham and Deadfall precincts, in Butler county, were not returned with the poll lists and tally sheets to the judge of probate of Butler county.

From all the precincts of that county, but two, we had the ballots before us and have examined the returns of inspectors, and detect nothing to be complained of. The

ballots at the two precincts not produced before us, could not possibly change the result of the election. At one of them, viz : Manningham, a majority of 76 votes were given for Mr. Miller. At the other, viz : Deadfall, a majority of 29 votes were given for Mr. Martin.

It is also objected by Mr. Miller, that at Toluca precinct, in Butler county, the inspectors certified that Edward W. Martin received 30 votes, when his name is Edmund. We have examined the original ballots, and they all are for Edmund W. Martin. So that the error was in the return of the inspectors. The ballots bear the correct name of the candidate, and are the best evidence of the intention of the voters. Their votes cannot be defeated or annulled by the error of the inspectors.

Some evidence has been introduced to prove that illegal votes were cast in Escambia and Butler counties. Some of this testimony is opinion of the witnesses merely ; and in some instances does not establish for which of the contesting parties the alleged illegal votes were cast..

The total number of illegal votes cast, as far as ascertained, is twenty-two (22.) Of these,

Mr. Miller received seven ;

Mr. Martin received fifteen.

We make allowance for these illegal votes, and find that according to the returns of the precinct inspectors in the 31st Senatorial district, Mr. Martin has received legal votes 2508, and Mr. Miller 2247 votes—leaving a majority of 261 votes for Mr. Martin.

If the vote be counted on the returns of the precinct inspectors of all the precincts in the senatorial district, without elimination of illegal votes, we find that Mr. Martin has received ..... 2,523 votes, and Mr. Miller ..... 2,254 “

Leaving a majority of..... 269 votes for Mr. Martin.

The election was conducted with as much fairness as any election, though with the irregularities herein pointed out, but which in the opinion of the undersigned are very far from impeaching the integrity of the officers charged with its conduct and management.

In view of the facts herein stated, and the principles which have been uniformly recognized, and which rule in all cases of this kind, under the government of themselves by the people, your committee report that Edmund W. Martin, the sitting member, is entitled to his seat.

They offer the accompanying resolution, to-wit :

Resolved, That Edmund W. Martin, t he present sitting member, is legally and constitutionally elected for the 31st senatorial district, and is entitled to his seat as a member of this body for the term prescribed by law.

All of which, with the accompanying evidence, is respectfully submitted.

WM. H. PARKS,
W. H. EDWARDS.

January 27, 1873.

Mr. Ervin moved the adoption of the resolution submitted by Messrs. Parks and Edwards, of the committee.

Mr. Haralson moved as a substitute the adoption of the report of Mr. Pennington, of the committee.

Pending the consideration of which,

Mr. Haralson moved to adjourn until 12 o'clock to-morrow.

Mr. Snodgrass moved to adjourn until 10 o'clock to-morrow.

The question being taken on the motion to adjourn until 12 o'clock to-morrow,

It was lost.

Ayes 8, noes 19.

Ayes— Messrs. Black, Dereen, Duskin, Haralson, Jones, Leftwich, Murphy and Wilson—8.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Ervin, Goodloe, Hamilton, Harris, Hewitt, Martin of Tuskaloosa, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—19.

The question being taken on the motion to adjourn until 10 o'clock to-morrow,

It was carried.

THURSDAY, January 30, 1873.

The Senate met. pursuant to adjournment.

Prayer by the Rev. Dr. Wadsworth, of Montgomery.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa. Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson— 28.

The journal of yesterday was read, corrected and approved .

The hour of 10 o'clock having arrived,

The Senate proceeded to the consideration of the special order for that hour, it being the motion to reconsider the vote by which the Senate ordered the evidence in the Martin-Miller contest to be printed.

The motion to reconsider was carried ;

Ayes 17, noes 10.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Ervin, Hamilton, Harris, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—17.

Noes—Messrs. Black, Dereen, Duskin, Haralson, Hewitt, Jones, Leftwich, Murphy, Royal and Wilson—10.

The question recurred on the motion to print ;

Mr. Parks moved to indefinitely postpone the consideration of it ;

Which was lost ;

Ayes 14, noes 15.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Ervin, Harris, Martin of Tuskaloosa, Parks, Robinson, Snodgrass and Terrell—14.

Noes—Messrs. Black, Cobb, Dereen, Duskin, Goodloe, Hamilton, Haralson, Hewitt, Jones, Leftwich, Murphy, Royal, Walton and Wilson—14.

The Senate being equally divided,

The President of the Senate voted in the negative.

On motion of Mr. Cooper,

The motion to print was then laid on the table.

On motion,

The Senate then took a recess until 12 o'clock.

———

The Senate met at the appointed hour.

The question being on the motion to adopt the report of the committee in the Martin-Miller contested election case, as a substitute for the motion to adopt the resolution submitted by Messrs. Parks and Edwards with their report ;

It was carried ;

Ayes 16, noes 14.

Ayes—Messrs. Black, Cobb, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Murphy, Pennington, Royal and Wilson—16.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Ervin, Hamilton, Hewitt, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—14.

Mr. Cobb moved to reconsider the vote just taken;

Pending the discussion of which,

Mr. Robinson moved to adjourn until 12 o'clock to-morrow, with the understanding that Mr. Cobb would be entitled to the floor at that hour ;

Which motion was carried.

FRIDAY, January 31, 1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin of Conecuh, Martin of Tuskaloosa, Murphy, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—30.

The journal of yesterday was read and approved.

Mr. President decided the motion to re-consider the vote taken yesterday on Mr. Haralson's substitute in the Martin-Miller contest out of order, and declined to put the motion to the Senate.

Mr. Cobb appealed from the decision of the President.

Mr. President declined to put the appeal to the Senate.

Mr. Parks made the point of order that the question then recurred on the motion to adopt the resolution submitted by Messrs. Parks and Edwards with their report, as amended by the adoption of the substitute.

Mr. President over-ruled the point of order, from which decision Mr. Parks appealed.

Mr President declined to put the appeal.

William Miller, jr., appeared in the Senate chamber, was qualified and took his seat as Senator from 31st Senatorial district.

On motion of Mr. Cobb,

Resolved, That the Secretary of the Senate be instructed to inform the House of Representatives that the Senate is duly and legally organized, having disposed of the contested election cases, in the districts composed of the counties of Butler and Conecuh, and of Marengo, and is ready to proceed to business.

On motion of Mr. Martin,

The Senate adjourned until 12 o'clock, to-morrow.

SATURDAY, February 1, 1873.

The Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Ervin, Glass, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Robinson, Royal, Snodgrass and Walton—26.

The journal of yesterday was read. and approved.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 1, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has adopted the following resolution:

Resolved, That the Clerk, be and is hereby instructed to inform the Senate that the House of Representatives is now organized under the terms of the compromise, as proposed by the Attorney General, and elected the Hon. Lewis E. Parsons, Speaker, Robt. Barber, Clerk, W.V. Turner, Assistant Clerk, M. G. Candee, Door-Keeper, and is now ready for the transaction of public business.

I am also directed to inform the Senate that the House of Representatives has adopted the following resolution, and asks the concurrence of the Senate therein, to-wit:

JOINT RESOLUTION.

Resolved, That a committee of three members be appointed by the Speaker of this House, to co-operate with a similar committee of the Senate, whose duty it shall be to wait upon his Excellency, Governor Lewis, and inform him that the General Assembly has been reorganized in accordance with the plan of the Attorney General of the United States, and is now ready to receive any communication he may wish to make to the two Houses.

ROBERT BARKER,
Clerk.

On motion of Mr. Ervin,

The Senate concurred in the House joint resolution;

Thereupon,

Mr. President appointed Messrs. Ervin, Goodloe and Hamilton as the committee on the part of the Senate.

Mr. Cobb introduced the following joint resolution,

Which was adopted :

WHEREAS, it is necessary that each member of the General Assembly should be furnished with a copy of the Revised Code, and the Acts and Journals of the General Assembly, for the sessions thereof, for the years 1869-70, and during the years 1870-71, and during the years 1871-72 ; and

WHEREAS, a number of the members of the General Assembly have already been furnished with a copy of the same, and a number yet remain unfurnished ; therefore, be it

Resolved by the Senate of the State, (the House of Representatives concurring), That the Secretary of State be| and he is hereby authorized and required to furnish each and every member of the General Assembly with a copy of the Revised Code, and the Acts and Journals of the General Assembly for the sessions thereof, during the years 1869-70, and during the years 1870-71, and during the years 1871-72.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Cooper—

To require annuitants to make proof of their being alive after the expiration of three years from last payment ;

By Mr. Cooper—

To enforce the collection of judgments against counties ;

By Mr. Copper—

To incorporate the Stonewall Iron Company, and to confer certain powers and privileges thereon ;

By Mr. Hewitt—

To amend sections 3, 4, 5 and 7 of an act entitled, An act in relation to the Southern Express Company, approved February 26, 1872 ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary, when raised.

By Mr. Cooper—

To facilitate the sawing of lumber on Coosa river, above Greensport, Alabama ;

By Mr. Hewitt—

To amend an act entitled An act to repeal an act entitled an act to authorize the publication of legal and other notices in the State of Alabama, approved August 12, 1868; and an act entitled An act to amend the same, approved October 10, 1868 ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on local legislation, when raised.

By Mr. Hewitt—

A bill to economize the public printing, and to repeal section 123 of the Revised Code ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on public printing, when raised.

By Mr. Hewitt—

A bill to repeal an act entitled An act to authorize the publication of the laws of Alabama, approved October 30, 1868 ; and an act entitled An act to amend the same, approved December 19, 1871;

Which was read three times, under suspension of the constitutional rule, and passed.

Leave of absence was granted—

To Mr. Harris until next Wednesday ;

To Mr. Carmichael for seven days ;

To Mr. Pennington until next Thursday ; and

To Mr. Terrell for ten days.

Mr. Ervin, from the joint committee to wait on the Governor and inform him of the organization of the two Houses, reported that the committee had discharged. their duty, and that the Governor would make a communication of a special character to the two Houses on Monday next.

On motion of Mr. Cobb,

The Senate adjourned until 12 o'clock Monday.

———

MONDAY, February 3, 1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Buskin, Edwards, Ervin, Goodloe, Hamilton, Haralson, Jones, Leftwich, Martin, Miller, Murphy, Royal, Snodgrass, Walton and Wilson—23.

The journal of yesterday was read and approved.

By leave, Mr. Duskin introduced a bill for the relief of Wm. H. Drake of the disabilities of non-age ;

Which was read three times, under suspension to the constitutional rule, and passed,

And ordered to be sent forthwith to the House.

Leave of absence was granted Mr. Parks, for three days.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Cunningham—

For the relief of Eddy Ann Henry, of the disabilities of non-age ;

By Mr. Black—

For the relief of Robert A. McTyer and Mary F. Brady ;

By Mr. Black—

For the relief of Wm. H. Lott, of the disabilities of non-age ;

By Mr. Haralson—

To repeal section 2961 of the Revised Code ;

By Mr. Curtis—

To punish parties carrying concealed about their person brass knucks, sling shots or other weapons of like kind or description ;

By Mr. Curtis—

For the relief of Ned Keynard, a citizen of Perry county, in the State of Alabama ;

By Mr. Dereen—

In relation to mechanics' lien within the State of Alabama ;

By Mr. Walton—

To regulate the sessions and practice in the circuit courts of Clarke county ;

By Mr. Hamilton—

To enable the Mobile Marine Dock company to surrender and dissolve its charter of incorporation ;

By Mr. Ervin—

To regulate the trial of attachment cases ;

By Mr. Ervin—

To regulate the sale of property levied upon under execution in Wilcox county;

By Mr. Ervin—

To regulate the incompetency of witnesses in criminal cases;

By Mr. Ervin—

To amend section 2960 of the Revised Code of Alabama ;

By Mr. Ervin—

To regulate the holding of special terms of the circuit courts of this State ;

By Mr. Coleman—

To amend section 796 (clause 2) of the Revised Code of Alabama ;

By Mr. Coleman—

To amend sections 4, 9 and 14 of an act entitled an act in relation to the chancery courts in Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the judiciary committee, when raised.

By Mr. Martin—

To exempt all the widows of this State who do not own more than ten thousand dollars worth of property from taxation;

By Mr. Martin—

For the relief of Wm. S. Freeman ;

By Mr. Black—

To prevent the depopulation of Alabama ;

By Mr. Curtis—

For the relief of Harry H. Moseley, late sheriff of Perry county ;

By Mr. Curtis—

To repeal an act entitled an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act entitled an act to establish revenue laws of the State of Alabama, approved December 31, 1868, so far as the same applies to the county of Perry ;

By Mr. Curtis—

To prevent the assessors and collectors of taxes from assessing and collecting the extra fee of 75 cents, unless they make the personal demand or give the written notice required by sections 34 and 49 of the revenue act of 1868;

By Mr. Dereen—

For the relief of I. Adler & Bros., late citizens of Demopolis, and county of Marengo ;

By Mr. Hamilton—

To pay C. T. Steams, register, and Stephen Moore, receiver of the land office at Mobile, for the final location. of certain overflowed and swamp lands according to the provisions of acts of Congress therein recited ;

Which bills were severally read twice, under a suspension of the constitutional rule, and referred to the committee on finance and taxation, when raised.

By Mr. Cunningham—

To change the county, line between the counties of Clay and Randolph ;

By Mr. Driesbach—

Requiring the sureties on the official bonds of the county officers of Baldwin county to reside in said county;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations, when raised.

By Mr. Martin—

To encourage investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad company bonds and stock, and thereby promote the development of the resources of the State of Alabama;

By Mr. Duskin—

For the encouragement and promotion of manufactures, and the industrial and mechanical arts within the State of Alabama, and to confer upon those engaged in such pursuits certain privileges specified in said act;

By Mr. Goodloe—

To induce investments of foreign capital in. the Chickasaw, Birmingham and Tuskaloosa Railroad company bonds and stock, and thereby aid in the development and utilizing of the mineral resources of the State ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to committee on internal improvements, when raised.

By Mr. Haralson—

To amend section 22 of an act to regulate elections in this State, approved October 8, 1868 ;

By Mr. Haralson—

To amend section 35 of an act to regulate elections in this State, approved October 8, 1868 ;

Which bills were severally read twice, under a suspension of the constitutional rule, and referred to the committee on privileges and elections, when raised.

By Mr. Haralson—

To repeal an act to amend the charter of the city of Selma, approved February 16, 1871;

Which was read twice, under suspension of the constitutional rule, and referred to a special committee of three, consisting of Messrs. Haralson, Cooper and Wilson.

By Mr. Haralson—

To repeal subdivision 4 of section 957 (821) of the Revised Code ;

Which was read twice, under suspension of the coustitutional rule, and referred to committee on education, when raised.

By Mr. Hamilton—

To regulate the rate of interest in this State ;

Which was read twice, under suspension of the constitutional rule, and referred to judiciary committee, and 150 copies thereof ordered to be printed for The use of the Senate.

By Mr. Hamilton—

For the relief of E. B. Lott, tax collector of State taxes for the county of Mobile ;

By Mr. Hamilton—

To amend section 12 of an act entitled An act to incorporate the Mobile and Ohio Railroad company, approved February 3, 1848 ;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

By Mr. Royal—

To make Sarah E. Smith, wife of William Smith, of Bullock county, a free dealer.

By Mr. Dereen—

To authorize and empower Edith J. Dustan, a married woman, to do and perform certain acts therein named ;

Which bills were read three times, under suspension of constitutional rule, and passed.

By Mr. Martin—

Joint resolution authorizing payment of public printing done for the separate organizations of the General Assembly prior to the re-organization under the plan proposed by the attorney general of the United States ;

Which was read three times, under suspension of the constitutional rule, and passed.

Mr. President announced the standing committees, as follows, viz :

ON THE JUDICIARY

Including rules and regulations :

Messrs. Hamilton, Doster, Duskin, Cobb and Harris.

ON FINANCES AND TAXATION,

Including accounts and claims, fees and salaries, and the contingent fund:

Messrs. Ervin, Pennington, Cunningham, Wilson, Walton and Goodloe.

ON INTERNAL IMPROVEMENTS,

Including roads and public highways, agriculture and manufactures:
Messrs. Pennington, Cooper, Murphy, Cobb, Miller and Coleman.

ON FEDERAL RELATIONS,

To include banks and insurance:
Messrs. Cobb, Goodloe, Hamilton, Duskin and Harris.

ON EDUCATION.

Messrs. Harris, Martin, Terrell, Murphy and Curtis.

ON PRIVILEGES AND ELECTIONS,

Including grievances disabilities and registration.
Messrs. Doster, Hewitt, Parks, Robinson, Dereen and Royal.

ON MUNICIPAL AND COUNTY ORGANIZATIONS

To include poor laws and charitable institutions :
Messrs. Parks, Miller, Driesbach, Cooper and Haralson:

ON MILITIA.

Messrs. Hewitt, Glass, Terrell, Black, Carmichael and Jones.

ON PRINTING.

Messrs. Wilson, Snodgrass and Leftwich.

ON ENGROSSED BILLS.

Messrs. Dereen, Robinson and Black.

ON ENROLLED BILLS.

Messrs. Carmichael, Duskin and Edwards.

ON INDUSTRIAL RESOURCES AND PUBLIC BUILDINGS.

Messrs. Miller, Terrell and Harris.

On motion of Mr. Martin,

The Senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, February 4, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Gwinn, of Montgomery.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Coleman, Cooped, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Royal, Snodgrass and Walton—23.

The journal of yesterday was read and approved.

By leave—

Mr. Harris introduced bill to change the line between the counties of Barbour and Russell ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations ;

Bill to repeal an act to establish a criminal court for the county of Russell, with criminal and civil jurisdiction, approved February 26, 1872 ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 4, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, a Senate bill to be entitled as follows:

An act "to relieve Wm. H. Drake of the disabilities of non-age."

ROBERT BARBER,
Clerk of the House.

By leave—

Mr. Edwards introduced Joint resolution to provide for the expenses incurred by the select committee of the Senate to investigate the Marengo and Butler and Conecuh senatorial contests ;

Which was read three times, under suspension of the constitutional rule, and passed, and ordered to be sent forthwith to the House.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, February 4, 1873.

To the President and Senate of the State of Alabama:

GENTLEMEN—By virtue of an act of the General Assembly of the State of Alabama, entitled "an act to amend certain sections of the Revised Code, viz. : Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855, and 3856, article 2, chapter 5, title 3, part 4, approved February 26, 1872, it is provided that the warden is appointed by the Governor, with the consent of the Senate, and holds his office for the term of four years, and until his successor is qualified." This act was passed on the last day of that session of the General Assembly, and no appointment by the Governor of a warden was ever communicated to the Senate for the consent of that body, as the law provides, so far as known to this department.

In discharge of that duty, I have the honor to inform you that I have appointed Larkin Willis, a citizen of Stevenson, Jackson county, Alabama, to hold the office of warden of the penitentiary, according to law. I respectfully ask your consent to the same.

I have the honor to be,

Your obedient servant,
DAVID P. LEWIS,
Governor.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Murphy—

To authorize the court of county commissioners of Madison county to pay for fuel used in offices of judge of probate, sheriff, and clerk of circuit court of said county ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Murphy—

For the relief of Mrs. Ann Spragins, widow of Elias C. Spragins, deceased ;

By Mr. Murphy—

To amend section 2925 of the Revised Code of Alabama .

By Mr. Hewitt—

To better secure the payment of mechanics and others for their labor and materials furnished.

By Mr. Hewitt—

To repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed, approved February 7, 1870 ;

By Mr. Hewitt—

To amend first section of an act entitled An act to fix the time of holding the circuit court in the third judicial circuit ; of Alabama, approved December 12, 1871 ;

By Mr. Hewitt—

To confer jurisdiction upon the several probate courts of this State, of certain estates therein named ;

By Mr. Wilson—

For the relief of the sureties of William Falconer;

By Mr. Haralson—

To amend an act to regulate the time of holding the courts of the first judicial circuit ;

By Mr. Curtis—

To amend section 3733 of the Revised Code of Alabama ;

By Mr. Ervin—

To relieve Felix F. Dumas, of the county of Wilcox, of the disabilities of non-age ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Ervin—

To relieve Solomon D. Bloch, of the county of Wilcox, of the disabilities of non-age ;

Which was read twice, under suspension of the constitutional rule.

Mr. Hewitt moved,

To indefinitely postpone the consideration of the bill ;

Which motion was lost ;

Ayes 10, noes 15.

Ayes—Messrs. Coleman, Doster, Duskin, Edwards, Goodloe, Hamilton, Harris, Hewitt, Leftwich and Snodgrass—10.

Noes— Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Driesbach, Ervin, Haralson, Jones, Martin, Miller, Murphy, Royal, Walton and Wilson—15.

On motion of Mr. Ervin,

The bill was referred to the committee on the judiciary.

By Mr. Hewitt—

To regulate elections in Alabama ;

Which was read the first time and ordered to a second reading.

By Mr. Doster—

To make an appropriation to defray the funeral expenses of the late William J. Gilmore, deceased ;

Which was read three times, under suspension of the constitutional rule, and passed;

Ayes 24, noes 0.

Ayes—Messrs. Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin. Edwards, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Royal, Snodgrass, Walton and Wilson—24.

Noes—None.

By Mr. Jones—

To incorporate the town of Hayneville, in the county of Lowndes, in this State ;

By Mr. Haralson—

To authorize the clerk of the criminal court of Dallas county to record conveyances ;

By Mr. Curtis—

To enlarge the board of equalization of the county of Perry ;

By Mr. Edwards—

To prohibit the vending of vinous and spirituous liquors within three miles of the Baptist College in Blount county ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Murphy—

To relieve B. F. Watkins of the disabilities of nonage;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Hewitt—

To submit to the vote of the people of Jefferson the question of the removal of the courthouse from Elyton to Birmingham ; and in case the people decide in favor of such removal, empowering the court of county commissioners of said county to erect the courthouse and other public buildings at Birmingham, and authorizing said court, in order to raise means for that purpose, to issue bonds of said county upon certain conditions therein named ;

Which was read twice, under suspension of the constitutional rule, and referred to a special committee of three, consisting of Messrs. Hewitt, Edwards and Murphy.

RESOLUTION.

Mr. Snodgrass offered the following resolution,

Which was adopted :

WHEREAS, It is the duty of the Senate of Alabama to observe the most rigid economy in the expenditure of the public money consistent with the prompt and efficient transaction of the public business, and especially at this time, in view of the present financial condition of the State, and pecuniary embarrassments of the people,

Be it therefore resolved, 1st, That a committee of three be appointed by the President of the Senate, whose duty it shall be to enquire into and report to the Senate, the whole number of clerks, door-keepers, messengers, pages, hall-tenders, and employees of every kind provided by law or employed under resolutions of the Senate or otherwise, with the per diem or wages paid each, and the aggregate daily expenditures for such said services.

And be it further resolved. That said committee be instructed to report whether in their opinion the duties and labors required as aforesaid could be performed by a less number of officers and employees, and whether a reduction of the sums now paid for such services is demanded as a measure of economy.

Thereupon, Mr. President appointed Messrs. Snodgrass, Goodloe and Curtis the committee under the resolution :

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, Feb. 3, 1873.

To the General Assembly of the State of Alabama :

GENTLEMEN :—I have the honor to call your attention to the annexation of West Florida to the State of Alabama, by agreement between the States of Florida and Alabama, and the consent of the United Slates. This annexation was the subject of an agreement between commissioners appointed by these States respectively, bearing date the 19th day of May, 1869, and approved by his Excellency, W. H. Smith, then Governor of the State of Alabama, now on file in the office of the Secretary of, State, a copy of which is herewith transmitted.

That portion of Florida, which is the subject of this agreement, seems to have been designed by the laws of nature, to belong to a system of industry and development harmonious with that of our own State, and not homogeneous with that of the State of Florida. Let conventional lines of State boundaries be placed where they may, the necessities of commerce, the outlets to the great highway of the world's trade and travel, recipocal wants, necessities, and benefits of conterminous regions of country, afford the surest criteria for determining the mutual benefits to be bestowed on adjacent communities from the supremacy of a common legislation and State control. The reciprocal inaccessibility of East and West Florida, and the impossibility of inaugurating any system by which the mutual dependencies of civilization shall ever render the wants and weaknesses of each a benefit and strength to the other, has inclined that State to entertain the proposition of ceding to the State of Alabama the counties known as West Florida. It can be profitably connected with the balance of the State of Florida by no system of internal improvement, beneficial to the State. Its fine harbor must be a shipping point and mart mainly for the products of other States than Florida. The development of its business and prosperity can never assimilate to any State plan ; but will rather increase and give additional strength to the isolation of sentiment, which the isolation of interest engenders. On the other hand, the strip of territory known as West Florida, intervenes between the State of Alabama and her outlet to

the highway of the world. The fine harbor which is and must always be valueless to nine-tenths of the State of Florida, will become the outlet to the products of our industry, and the entrepot to freights when our railroads are completed, which now find lengthy and more expensive avenues to the central portion of our nation.

I have the honor to ask your attention to this matter, believing that the interest of Alabama will be consulted by its acquisition. In many respects, the control by this State of the terminus, and the entire line of the railway communications, which are destined to transport so large a proportion of the products of her industry, is of the highest importance in the preservation of a certain and constant line of transportation, so essential to the development and prosperity of commerce. Lines of vessels will only come to Pensacola with tropical fruits, sugar, molasses, cigars and coffee, when such articles of commerce can find a ready transit in the interior, and when the vessels transporting them can obtain return cargoes of coal and other products, needed for Gulf traffic. This stream of commerce flowing through our community, will bear its wealth-giving deposits along the whole length of our State.

If any modification of the agreement should be necessary, growing out of a change of our laws giving aid to the construction of railroads, your consideration will suggest it.

If the General Assembly coincide in these views, I ask the adoption of such measures as will authorize the overture on the part of Alabama for the consummation of the agreement.

I have the honor to be,
Your obedient servant,
DAVID P. LEWIS,
Governor.

AGREEMENT.

An agreement entered into this 17th day of May, A. D-1869, between W. J. Purman, C. E. Dyke and N. H. Moragne, Commissioners on the part of the State of Florida, appointed under joint resolutions of the 25th January, 1869, and Messrs. J. L. Pennington, A. J. Walker and Charles A. Miller, Commissioners on the part of the State of Alabama, appointed under joint resolutions approved December 31, 1868. Witnesseth as follows :

First. The State of Florida cedes to the State of Alabama that portion of Florida lying west of the thread of the Chattahoochee and Apalachicola rivers, and west of a line running due south from the thread of the mouth of the Apalachicola, bending west so as to pass between. the islands of St. George and St. Vincent, which territory so ceded is called, in this agreement, West Florida.

Second. The State of Florida, bargains, sells, grants. and conveys to the State of Alabama all the lands heretofore acquired by the State of Florida, and situated. within the district of country above described, which may be undisposed of at the date of the consummation of this agreement, whether of seminary, school or sixteenth sections, internal improvement, swamp and overflowed, and the five per cent. arising from the sales of the United States lands lying west of the rivers above mentioned, accruing from and after the date of the consummation of this agreement, and guaranteeing to Alabama full and complete title thereto, for the purposes hereinafter specified, and agreeing to indemnify the said State of Alabama for all loss she may sustain growing-out of any adverse claims which may be set up thereto : Provided, That the State of Florida, pending the consummation of this agreement, shall dispose of none of the lands above mentioned, either by sale, donation, or otherwise, except in accordance with the laws in force in said State at the date of the signing of these presents, except for the benefit of West Florida.

Third. The State of Alabama takes the said lands subject to the trusts imposed by the acts of Congress granting the same.

Fourth. That immediately after the assent of the Congress of the United States to this agreement between the State of Florida and the State of Alabama, it shall be the duty of the Governors of Florida and Alabama respective to issue their proclamations, naming a day within sixty days after such assent of Congress shall be obtained, when the jurisdiction of Florida shall cease, and when the officers and people of the territory of West Florida shall be subject to the jurisdiction of the State of Alabama, in accordance with and under the laws and constitution of the same.

Fifth. That all judicial and other local officers in the territory of West Florida shall continue to exercise the functions of their several offices, after the said transfer shall have been consummated, for the full terms for which

they were elected, or appointed ; and all such judicial and all other proceedings of such officers shall be in accordance with the constitution and laws of Alabama.

Sixth. That the several counties in West Florida shall compose one judicial circuit in the State of Alabama, and the judge of the court of the first judicial district of Florida shall be the judge of the circuit court of the State of Alabama for a circuit composed of the said counties until his term as judge of the district court of Florida shall terminate, and the said counties shall compose a chancery district in the southern chancery division of the State of Alabama, and the chancellor of the said chancery district, and the terms thereof shall be held at times and a place to be prescribed by such chancellor ; and all chancery causes pending in the district or circuit court of said counties shall, with all the papers and records of the proceedings therein, certified by the several clerks of the said district or circuit court, be transferred into the said chancery court, and be therein cognizable ; and the said chancellor shall appoint a register for such court.

Seventh. The county judges of the respective counties above named, shall be judges of probate under the laws of the State of Alabama until their respective terms for which they were elected or appointed under the laws of Florida shall terminate ; and the board of county commissioners of the said respective counties shall be the county commissioners in their several counties for the terms for which they were elected or appointed ; and the sheriffs, coroners, justices of the peace, clerks of the circuit or district courts, by whichever name they may be called, county treasurers, collectors of revenue, and assessors of taxes, shall fill the corresponding offices under the laws of the State of Alabama, to the end of the terms for which they were respectively elected or appointed ; and the several clerks of the circuit or district courts shall be the clerks of the circuit court under the laws of the State of Alabama, and the said circuit court shall have jurisdiction of all cases in the district or circuit court of the said counties, except that the chancery causes shall be transferred to the chancery court, as hereinbefore stated ; and the said judges of the county courts shall be probate judges and have jurisdiction of the causes in their respective county courts, and be probate judges under the laws of the State of Alabama ; and the said county commissioners and county judges shall execute all the powers of county commissioners and probate judges under the laws of Alabama.

Eighth. The State of Alabama, in consideration of the cession by the State of Florida heretofore mentioned, shall pay to the said State, within ninety days after the consummation of the annexation of West Florida to the State of Alabama, the sum of one million of dollars in bonds, bearing interest at the rate of 8 per cent. per annum, payable at the Treasury of the State of Alabama in thirty years from the date thereof, the interest to be payable semi-annually in the city of New York. The said sum of one million of dollars shall be in compensation to the State of Florida for the proportion of the debt of said State, which the amount of taxes paid by the several counties embraced in the district of country ceded to Alabama may bear to the taxes paid by the remaining portion of tne said State of Florida, and the balance of the said sum of one million of dollars shall be in full payment for the seminary, sixteenth section, internal improvements, swamp and overflowed lands, ceded to the State of Alabama, the title to which is guaranteed by the State of Florida as hereinbefore mentioned, which said balance shall be for the use and purposes contemplated in the grants of the said lands by the Congress of the United States, and as provided for by the laws of the State of Florida in force at the date of this agreement.

Ninth. That the counties respectively in the territory of West Florida shall be allowed, and, by this stipulation, have authority to retain the State taxes assessed and collected for the first year under the revenue laws of the State of Alabama, and the amounts so retained shall be appropriated by the county commissioners to the improvement and erection of court houses and other public buildings in their respective counties.

Tenth. The benefit of the endorsement laws of the State of Alabama, to the extent of sixteen thousand dollars per mile, shall apply to the construction of a, railroad from the point of junction with the Pensacola and Georgia railroad, of Florida, on the Apalachicola river‘ in the direction of Quincey, to the waters of Escambia Bay, or to a junction with the Pensacola and Louisville Railroad, in Florida, or the Alabama and Florida Railroad, in Alabama, and to the Pensacola and Louisville Railroad, and to no other railroads, for the period of three years from the date of the consummation of this agreement ; and the charter of the Pensacola and Georgia Railroad, of Florida, with the amendments thereto, shall be of force in the district of country embraced in the first article of this agreement, for the purpose specified in

said charter and amendments, and the Pensacola and Georgia Railroad company shall be entitled to construct their road, and shall be entitled to all the benefits of the endorsement laws of Alabama, as hereinbefore expressed, the same as if their said charter and amendments had been granted by the State of Alabama ; and the State of Alabama, neither under any general act of incorporation now in force, nor by any special act of legislation heretofore or hereafter to be adopted, shall authorize the construction of any railroad from the Chattahoochee or Apalachicola rivers through the districts of country before mentioned, in the direction of the waters of Escambia Bay, or to a junction with the Pensacola and Louisville Railroad, for the period of three years from the date of the consummation of the agreement hereinbefore set forth.

Eleventh. Until otherwise provided, the counties as now constituted, lying west of the line mentioned in the first article of this agreement, shall be entitled to the same representation in the General Assembly of Alabama that they are now entitled to in the Legislature of Florida ; and that portion of Franklin county embraced within and lying west of said line, shall be known as the county of Franklin, and shall be entitled to at least one representative in the General Assembly of Alabama ; and the senators and representatives of the above counties shall hold their offices for the fall term to which they were elected.

Twelfth. The solvent taxes returned from the district of country agreed to be annexed, unpaid at the time such annexation shall be consummated, shall be the property of the State of Florida, and shall be assumed by the State of Alabama and paid money. The amounts so due and unpaid shall be ascertained from the tax returns made to the comptroller of the State of Florida.

Thirteenth. This agreement shall not be of force until the same has been ratified and approved by the States of Florida and of Alabama, in a legal manner and by the legal and proper authorities, and the Congress of the United States has given its consent thereto.

W. J. PURMAN.

For the sole purpose of bringing the matter contemplated in the resolutions of the State of Florida before the people thereof, I assent, as a commissioner on the part of said State, to the above, reserving to myself, as a citizen, the right to judge of the expediency or inexpediency of

accepting any terms for ceding to a foreign and Allen jurisdiction any part or portion of the people and territory of Florida.

C. E. DYKE,
N. H. MORAGNE;
J. L. PENNINGTON,
A. J. WALKER,
CHAS. A. MILLER.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery June 4, 1869.

I approve this contract, notwithstanding, in my judgment, the price agreed to be paid is more than the State, under all circumstances to the case, ought to pay.

I base my action upon the judgment of the able commissioners who made the agreement, and in deference to the wishes of other thoughtful and sagacious gentlemen who feel a deep interest in the matter.

W. H. SMITH,
Governor of Alabama.

ADJOURNMENT.

On motion of Mr. Ervin,
Senate adjourned until 10 o'clock, to-morrow.

WEDNESDAY, February 5, 1873.

Senate met pursuant to adjournment.
Prayer by the Rev. Dr. Gwinn, of Montgomery.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Royal, Snodgrass, Walton and Wilson— 24.

The journal of yesterday was read and approved.

RESOLUTIONS.

By leave, Mr. Hamilton offered the following resolution,

Which was read and. adopted :

Resolved, That a committee of five Senators be raised. for this session of the Senate to be known as the committee on local legislation, to which measures of that and kindred character shall be referred.

Also, the following resolution, which was read and adopted:

Resolved, That the chairman of the committee on the judiciary be authorized to appoint a clerk to aid that committee in the business referred to it.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, Feb. 5, 1873.

To the General Assembly of the State of Alabama :

GENTLEMEN :—I have the honor respectfully to ask permission to withdraw for the present the special message to your honorable body of the 4th inst., respecting the acquisition of West Florida, by the State of Alabama.

I have the honor to be,
Your obedient servant,
DAVID P. LEWIS,
Governor.

MESSAGE FROM THE GOVERNOR.

Mr. President:

I am directed by the Governor to inform the Senate, that on the 4th inst. he approved and signed a bill which originated in the Senate.

An act to relieve William H. Drake of the disabilities of non-age.

CHAS. J. ATKINSON,
Recording Secretary.

Leave was granted, and the special message withdrawn.

On the call of the districts, the following bills were introduced :

By Mr. Coleman—

To require the county treasurer of Lauderdale county to pay the fees of county offices in certain cases ;

By Mr. Murphy—

To change the time of holding the courts of chancery of the 5th district, northern division of the State of Alabama ;

By Mr. Snodgrass—

To authorize Elizabeth Hank, widow and administratrix of Solathiel Hank, late of Jackson county, Alabama, to sell lands of decedent's estate ;

By Mr. Hewitt—

To amend section 3637 of the Revised Code of Alabama.

By Mr. Hewitt—

To amend sections 4339 and 4340 of the Revised Code of Alabama ;

By Mr. Cobb—

To authorize the collection of debts for labor and service rendered for the benefit of trust estates ;

By Mr. Cobb—

To regulate the practice in the courts of chancery of the State of Alabama ;

By Mr. Cobb—

To regulate the practice in the courts of probate of the State of Alabama upon contest for the granting of letters of adminstration and of guardianship ;

By Mr. Hewitt—

To amend section 87 of revenue law of 1868 ;

By Mr. Harris—

To repeal in part an act approved December 16, 1871, entitled An act to re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad company, approved January 31, 1846.

By Mr. Wilson—

To amend sections 4343 and 4342 of the Revised Code of Alabama ;

By Mr. Duskin—

To fix the time of holding the chancery court for the ninth district of the western chancery division of Alabama, composed of the county of Hale ;

By Mr. Hamilton—

To carry into effect article 14, sections 1, 2 and 4 of the Constitution of this State ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Wilson—

To regulate and provide for the payment of the fees of solicitors in certain cases ;

Which was read twice under suspension of the constitutional rule.

Mr. Martin moved the following amendment :

Provided, That the provisions of this bill shall not apply to the counties of Tuskaloosa, Fayette and Sanford;

The bill and amendment were then referred, to the committee on the judiciary.

By Mr. Haralson—

To consolidate the fine and forfeiture fund, and the general fund of the county of Dallas ;

Which was read twice, under suspension of the constitutional rule ;

Mr. Black moved to amend by making the provisions. of the bill apply to the county of Barbour ;

The bill and amendment were then referred to the committee on the judiciary.

By Mr. Edwards—

To make Malinda Ann Cain a free dealer ;

By Mr. Wilson—

For the relief of James Edwin Cogburn, of Montgomery county, from the disabilities of minority ;

By Mr. Walton—

To make Mrs. Mary P. Ryan a free-dealer ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Murphy—

To repeal an act entitled An act to pay the board of equalization of Madison county, approved March 3, 1870 ;

By Mr. Snodgrass—

For the relief of Lafayette Reid, of the county of Etowah ;

By Mr. Hewitt—

To repeal sections 97, 98, 99, 100 and 101, of the revenue law of 1868 ;

By Mr. Curtis—

To compel tax collectors to pay over money promptly ;

By Mr. Walton—

To amend section 652 of the Revised Code of Alabama, so far as relates to county of Choctaw ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Cooper—

To protect and encourage the manufacture of iron, and for other purposes ;

By Mr. Jones—

To repeal an act entitled, an act for the protection of plantations and lands against the depredations of stock in Lowndes comity, Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Hewitt—

To amend the charter of the Elyton, Corinth and Tennessee River Railroad company;

By Mr. Black—

To amend an act in relation to the issue of county bonds in aid of any railroad in this State;

Which bills were severally read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Coleman—

To amend an act entitled An act to establish a new charter for the town of Athens, in the county of Limestone, approved March 8, 1871;

By Mr. Haralson—

To abolish all boards of trade in the several cities of this State;

By Mr. Curtis—

To require the county treasurer of Perry county to make semi-annual statements of all monies received and expended by him for and on account of said county, to the court of county commissioners, and for recording and posting the same;

By Mr. Dereen—

To repeal an act entitled An act to require certain officers of Marengo county to reside at the court house, or within one (1) mile thereof, approved December 8, 1866 ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations

By Mr. Harris—

To reorganize the 8th judicial circuit ;

Which was read twice, under suspension of the constitutional rule, and referred to a special committee consisting of Messrs. Harris, Miller, Royal and Parks.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 5, 1873.

Mr. President:

I am directed, to inform the Senate that the House of Representatives has passed, without amendment, a

SENATE JOINT RESOLUTION,

To provide for the expenses incurred by the select committee of the Senate to investigate the Marengo and Butler and Conecuh senatorial contests.

HOUSE OF REPRESENTATIVES,
February 5, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILL,

To be entitled as follows:

An act to authorize and empower Edith J. Dustan, a married woman, to do and perform certain acts therein named.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
February 5, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

For the relief of minor children of Mary E. Mason, deceased ;

An act concerning water for public use in Mobile ;

To amend section three of an act to confer civil jurisdiction on the city court of Mobile, approved 13th February 1872.

ROBERT BARBER,
Clerk.

REPORT FROM STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary reported favorably on bill—

To amend section 796 (clause 2) of the Revised Code of Alabama ;

The bill was ordered to a third reading.

Also, favorably on bill—

To amend, section 2960 of the Revised Code of Alabama ;

The bill was ordered to a third reading.

Also, a substitute for the bill—

To punish parties carrying concealed about their persons brass knucks, slingshots or other weapons of like kind or description, with the same title ;

The substitute was adopted, and the bill ordered to a, third reading, as thus amended.

Also, adversely to the bill—

For the relief of Ned Keynard, a citizen of Perry county, in the State of Alabama ;

The report was concurred in.

Also, adversely to the bill—

To regulate the fees of solicitors in certain cases:

The report was concurred in.

Also, adversely to the bill—

To regulate the competency of witnesses in criminal cases;

The report was concurred in.

Also, adversely to the bill—

To repeal section 2961 of the Revised Code ;

On motion of Mr. Haralson,

The further consideration of the report was postponed until Friday, the 14th inst., and it was made the special order for the hour of 18 o'clock m. of that day.

Also, adversely to the bill for the relief of Eddy Ann Henry from the disabilities of non-age, as follows :

The committee on the judiciary, to which was referred "a bill to be entitled an act for the relief Eddy Ann Henry from the disabilities of non-age," respectfully report, that they have had the same under consideration ;

Of necessity, some point of time must be fixed at which the infant must cease to be under tutilage, and assume the duties and come under the responsibilities of a man, and be permitted to act for himself. This point of time should be that at which, in the great majority of cases, sufficient maturity has been attained to enable the youth to discharge the duties of a citizen. The experience and observation of a great many years, both in this country and elsewhere, has shown that the age of twenty-one years more correctly indicates that condition of mind and body than any other. In some countries, even a greater age is required before the youth is emancipated from the disabilities of infancy. The perfection of law is its generality, covering all cases—the fewer cases it meets, the more imperfect it is ; and exceptions to general laws

always produce disorder and confusion in the community. They are a mark of crude legislation, and are justifiable only in extreme cases. That a particular youth may be capable of managing his affairs at an age before his legal majority, is no argument for changing the law as to him, any more than the good character of a man is a reason why the law of nature should be suspended and he should not fall down a precipice, if he disregard the law of nature and approach too near its edge.

When the legislator disregards general rules and principles in his enactments, he departs from his duty of law-maker and exercises arbitrary power, guided by his feelings or by consideration of particular cases ; and the General Assembly would be doing this, and not legislating—its proper duty—in the opinion of this committee, if it should pass this bill.

Your committee recommend that this bill be not passed.

P. HAMILTON,
Chairman.

Mr. Parks moved to postpone the consideration of the report until Monday next, and make it the special order for the hour of 12 o'clock m., of that day ;

Which motion was lost.

Mr. Cobb moved that the report of the committee be concurred in ;

Which motion was lost ;

Ayes 11, noes 14 ;

Ayes—Messrs. Cobb, Coleman, Doster, Driesbach, Duskin, Goodloe, Hamilton, Harris, Hewitt, Snodgrass and Wilson—11.

Noes— Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Edwards, Haralson, Leftwich, Martin, Miller, Murphy, Parks, Royal and Walton—14.

The bill was ordered to a third reading.

Ayes 13, noes 12.

Ayes—Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Edwards, Haralson, Martin, Miller, Murphy, Parks, Royal and Walton—13.

Noes—Messrs. Cobb, Coleman, Doster, Driesbach, Duskin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Snodgrass and Wilson—12.

CONSIDERATION OF HOUSE MESSAGES.

House bill for the relief of the minor children of Mary E. Mason, deceased ;

Was read the second and third times, under a suspension of the constitutional rule, and passed.

House bill concerning water for public use in Mobile ;

Was read twice under suspension of the constitutional rule, and referred to the committee on local legislation.

House bill to amend section three of an act to confer civil jurisdiction on the city court of Mobile, approved February 13, 1872 ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary .

BILL ON FIRST READING.

Senate bill to regulate elections in Alabama ;

Was read the second time, and referred to the committee on privileges and election.

MISCELLANEOUS BUSINESS.

Mr. Hewitt presented a petition from a number of citizens of the counties of Jefferson, Walker and Blount asking the formation of a new county out of certain territory therein described ;

Which was read, and referred to the committee on municipal and county organization, with instructions to report by bill or otherwise.

EXECUTIVE SESSION.

On motion of Mr. Dereen,

The Senate went into executive session.

After transacting business in executive session,

The Senate resumed open session.

JOINT RESOLUTION.

Mr. Haralson introduced the following joint resolutions,

Which were adopted :

Resolved by the Senate (the House of Representatives concurring,) That a joint committee, consisting of three on the part of the Senate and —— on the part of the House, be appointed, whose duty it shall be to proceed to the town of Wetumpka as soon as practicable for the purpose of examining into the condition of the State

prison, including the buildings, machinery and all other property therein belonging to the State of Alabama, and also make close examination into the condition and treatment of the State prison convicts in charge.

Be it further resolved, That said committee are authorized to visit State convicts who may be leased to any persons located in other portions of the State, with a view of reporting to this General Assembly the true condition of all the property belonging to the State, and State prison, and State prison convicts.

RESOLUTION.

On motion of Mr. Coleman,

Resolved, That the Secretary of the Senate be authorized and instructed to have printed one hundred copies of the list of standing committees of the Senate.

ADJOURNMENT.

The Senate adjourned until 10 o'clock to-morrow.

THURSDAY, February 6, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Gwinn, of Montgomery.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Hamilton, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Royal, Snodgrass, Walton and Wilson—24.

The journal of yesterday was read and approved.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, Feb. 6, 1873.

Mr. President :

I am directed by the Governor to inform the Senate, that on the 5th inst. he signed and approved a bill which originated in the Senate :

An act to authorize and. empower Edith J. Dustan, a married woman, to do and perform certain acts therein named :

Also, a

Joint resolution to provide for the expenses incurred by the select committee of the Senate to investigate the Marengo and Butler and. Conecuh Senatorial contest.

Respectfully,

G. W. WILBURN,

Private Secretary.

CALL OF DISTRICTS.

On the call of the districts the following bills were introduced. :

By Mr. Edwards—

To prevent camp hunting in the county of Blount;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Snodgrass—

To authorize Marian O. Hays, widow of James C. Hays, deceased, to sell certain real estate ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Hewitt—

To prevent the evil practice of duelling;

By Mr. Cobb—

To repeal an act entitled An act to suppress murder, lynching and assaults and batteries, approved December 28, 1868.

By Mr. Doster—

To repeal an act entitled An act to exempt from administration property of decedents, and vest titles in the widow or child or children, approved February 8, 1872 ;

By Mr. Wilson—

To repeal an act entitled An act to amend section 2961 of the Revised Code, approved March 8,1871;

By Mr. Curtis—

To repeal sections 2880, 2881, 2882, 2883 and 2884 of the Revised Code of Alabama ;

By Mr. Curtis—

To exempt certain real and personal property from sale under legal process ;

By Mr. Parks—

To establish a court of chancery in Crenshaw county ;

By Mr. Parks—

To allow any person whose property is alleged to have been injured or destroyed under sections 3733, 3734, 3735, 3736 and 3737 of the Revised Code of Alabama, to be a competent witness;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Doster—

To authorize the establishment of a public ferry across the Tallapoosa river;

By Mr. Dereen—

For the relief of Augustine Schmidt and Robert A. Morgan, of Marengo county ;

By Mr. Parks—

To distribute certain copies of Brickell's Digest ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to committee on privileges and elections.

By Mr. Harris—

For the relief of Russell county ;

By Mr. Harris—

To authorize the commissioners court of Russell county to provide for the payment of the indebtedness of said county ;

By Mr. Black—

To repeal an act entitled. An act to change the line between the counties of Russell and Barbour ;

By Mr. Harris—

To incorporate the town of Tuskegee, in the county of Macon, and for other purposes ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Wilson—

To pay P. J. Anderson and W. H. Dingley, register and receiver of the land office at Montgomery, for services rendered according to acts of Congress therein referred to ;

By Mr. Hamilton—

For the relief of John B. Davis, late tax collector of Greene county ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Wilson—

To continue in force an act entitled An act to re-enact and amend an act to incorporate the Alabama Savings Bank of Montgomery, approved February 12, 1867, with an amendment to the second section of said act ;

Which bill was read. twice, under suspension of the constitutional rule, and referred to the committee on federal relations.

By Mr. Parks—

For the relief of Caswell Whittington and Calvin Whittington, of Pike county ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Pennington—

To provide for representation of the State at the International Exposition to be held at Vienna during the present year;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on industrial resources and public buildings.

By Mr. Harris—

For the relief of the executors of Thomas H. Ragland deceased;

Which bill was read three times, under suspension of the constitutional rule, and passed.

By Mr. Snodgrass—

For the relief of Thomas Wilson and others, of Jackson county;

Which bill was read three times, under suspension of constitutional rule, and passed.

By Mr. Harris—

To establish the 13th judicial circuit of the State of Alabama;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Black, Carmichael and Parks.

RESOLUTION .

Mr. Cobb, with leave, introduced the following resolution :

Resolved, That a standing committee, consisting of three members, be raised, to be entitled the committee on the penitentiary, prisons and punishments ;

Mr. Haralson moved to amend by striking out "three" and inserting in lieu thereof "five," where it occurs in the resolution;

The amendment was adopted, and the resolution as amended was then adopted.

STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary, reported, with amendment, favorably to bill—

To regulate the trial of attachment cases;

The amendment was adopted, and the bill ordered to a third reading.

Also, from the same committee, favorably to bill—

To regulate the sessions and practice of the circuit court of Clarke county;

The bill was ordered to a third reading.

Also, from the same committee, favorably, with amendment, to the bill—

For the relief of Robert A. McTyer and Mary F. Brady ;

Which amendment was adopted, and the bill read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to bill—

To relieve Solomon D. Block, of the county of Wilcox, of the disabilities of non-age;

Which adverse report was concurred in.

Also, from the same committee, adversely to bill—

To relieve Felix F. Dumas, of the county of Wilcox, of the disabilities of non-age ;

Which adverse report was concurred in.

SELECT COMMITTEES.

Mr. Hewitt, from select committee, reported favorably to Senate bill—

To submit to the vote of the people of Jefferson, the question of the removal of the courthouse from Elyton to Birmingham ; and in case the people decide in favor of such removal, empowering the court of county commissioners of said county to erect a, courthouse and other public buildings at Birmingham, and authorizing said court, in order to raise means for that purpose, to issue bonds of said county upon certain conditions therein mentioned;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Mr. Goodloe, from select committee to which was referred the resolution relative to the number and pay of the officers and employes of the Senate, submitted the following

MAJORITY REPORT.

Your committee, to whom was referred the subject of the clerks, &c., of the Senate, &c., beg leave to report that the number of persons in the employ of the Senate, in clerical and other places, with the per diem of each, and aggregate daily expenses of the Senate, are as follows,

By the Code :

Secretary .... $8.00 per diem.
Assistant Secretary..... 6.00 per diem.
Door-keeper ..... 6.00 per diem.

By act of 1868 ;

Journal Secretary ..... $6.00 per diem.
Sergeant-at Arms..... 6.00 per diem.
Four Pages, at $3..... ……...12.00
Chaplain.....4.00 per diem.
Three hall tenders, $2.50..... 7.00

That, in their opinion, the Secretary and Journal Clerk are one, which will make the daily expenses of the Senate, as the law requires, $49.50.

That, in their opinion—

One Journal Secretary..... ..... $6.00
One Assistant Secretary..... ..... 6.00
One Door-keeper..... ..... 6.00
Two Assistant Door-keepers, $2.50..... 5.00
One Enrolling Clerk.....6.00
Enrolling Clerk, to select his own assistant when necessary.....6.00
One Engrossing Clerk.....6.00
Engrossing Clerk, to select his own assistant when necessary.. ....6.00
Sergeant-at-Arms 6.00
Two Pages, $2.50..... 5.00
One hall tender..... 2.50

should be the number and persons in the employ of the Senate.

We therefore recommend the adoption of the following resolution :

Resolved, That the officers and employes hereinbefore recommended be declared to be the officers and employes of the Senate, with the per diem pay herein set forth.

All of which is respectfully submitted.

J. C. GOODLOE,
A. H. CURTIS.

Mr. Snodgrass, from the same committee, submitted the following

MINORITY REPORT.

The following compose the clerical and police force in the employ of the Senate, with the per diem of each, and daily aggregate of money being expended for such services :

Secretary of Senate, per diem. .....$ 8.00
Assistant Secretary, Enrolling and Engrossing
Clerks and Door-keeper, each $6..... 24.00
Under appointment of Secretary :
Two Pages, at, $3.00 each..... 6.00
Under appointment of Door-keeper:
One Page and one Messenger, each $3.00.....6.00
Two Assistant Door-keepers, (one at chamber, one
gallery)..... 6.00
Three hall tenders, at $2.50..... 7.50

Aggregate.....$57.50

Proposed reduction in number and per diem, as follows :
Secretary, per diem, to ..... $ 6.00
Assistant Secretary, Enrolling and Engrossing
Clerks, and Door-keeper, per diem, $4.00.... 16.00
Two Pages, to be appointed by Secretary and to do
messenger's service, at $2.50 per day..... 5.00
Two Assistant Door-keepers, who shall do all hall
tender's services, at $2,50 each..... 5.00

$32.00

Saving to the State, per diem, $25.50.

Resolved, That it is the opinion of the Senate that the foregoing suggestions should be adopted and carried into effect.

A. SNODGRASS.

On motion of Mr. Goodloe, the resolutions and reports were recommitted to committee on finance and taxation.

Mr. Black, with leave, introduced the following joint resolution :

Which was lost :

JOINT RESOLUTION.

Resolved by the Senate (the House of Representatives concurring,) That a committee of one from each Congressional District be appointed by the President, to act in conjunction with a like committee from the House, who shall re-district the State into eight congressional districts.

RESOLUTION.

On motion of Mr. Cunningham,

Resolved by the Senate, That three hundred copies of the annual report of the superintendent of the Deaf, Dumb and Blind Asylum at Talladega, be printed for distribution, and two hundred of said report be furnished the superintendent for distribution among its patrons.

On motion of Mr. Martin,

The Senate adjourned until 12 o'clock to-morrow.

FRIDAY, February 7, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Gwinn, of Montgomery.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—27.

Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 7, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

For the relief of Mrs. Mary Ann Hook, of Pike county ;

To prevent the sale or otherwise disposing of spirituous or malt liquors within one and a half miles of the academy in the town of Roanoke, in Randolph county, Alabama ;

To relieve Wm. F. Johnson, of the county of Pickens, of the disabilities of non-age.

To provide for the support of the freedman's hospital, at or near the city of Talladega, Alabama ;

To authorize John W. Leslie, judge of probate of Monroe county, to exercise jurisdiction over the estate of James M. Davison, sr., deceased, notwithstanding his relationship to the deceased :

To prohibit the sale, giving away or otherwise disposing of to another spirituous vinous or malt liquors within a distance of two miles of the academy in Belmont, Sumter county, Alabama;

To require commissioners' court to furnish treasurer with an office.

ROBERT BARBER,
Clerk.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills and joint resolutions were introduced :

By Mr. Goodloe—

To authorize the Masonic Temple Association to Alabama to borrow money ;

Which bill was read three times, under suspension of the constitution rule, and passed ;

By Mr. Murphy—

To enable the Memphis and Charleston Railroad. company to pay off and discharge its floating debt ;

Which bill was read twice, and suspension of the constitutional rule and referred to the committee on internal improvements.

By Mr. Cooper—

For the relief of Samuel Edmondson, county treasurer of Etowah county ;

By Mr. Haralson —

Joint resolution to pay J. W. .Jones for work done in repairing furniture in the Senate chamber ;

Which bill and joint resolution was read twice under suspension of the constitution rule, and referred to the committee on finance and taxation ;

By Mr. Hewitt —

For the protection of sheep ;

By Mr. Hewitt—

To repeal section 60 of the Revised Code of Alabama ;

By Mr. Martin—

To protect the rights of innocent purchasers in certain cases ;

By Mr. Pennington—

To provide for the payment of justices, notaries public, constables and marshals for services rendered by them in executing the criminal law ;

By Mr. Pennington—

To enforce the attendance of witnesses in criminal cases ;

By Mr. Doster—

To amend an act entitled An act to incorporate the Tuskegee Female College, approved February 2,1854.

By Mr. Doster—

To repeal an act entitled An act for the relief of laborers and employees, approved October 10, 1868 ;

By Mr. Haralson—

To codify and revise the statute laws of the State of Alabama, of a general and public nature ;

By Mr. Duskin—

To regulate and define the property exempt from sale and execution, or other final process of any court in the State of Alabama ;

By Mr. Duskin—

To repeal all usury laws in the State of Alabama ;

By Mr. Miller—

To regulate bail in cases of misdemeanor ;

By Mr. Parks—

To empower the register in chancery of the fourth district, in the southern chancery division of Alabama, to make reports of the sales of land made by a former register ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Black—

To change the line between the counties of Barbour and Russell;

By Mr. Dereen—

To establish a new charter for the city of Demopolis;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Wilson—

To make Caroline Oppenheimer a free dealer ;

Which was read twice, under suspension of the constitutional rule ;

Various amendments were proposed to the bill, all of which were accepted ;

The bill was then referred to the committee on privilege and elections.

By Mr. Miller—

To promote the parity of elections in this State ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Pennington—

To repeal an act entitled An act to establish a new charter for the city of Opelika, approved March 3, 1870, and all acts amendatory thereto ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Duskin—

To loan the credit of the State of Alabama to the Selma, Marion and Memphis Railroad company, for the purpose of expediting the construction of its road within said State ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Hewitt—

Explanatory of the corporation laws of Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Hewitt, Doster and Terrell.

By Mr. Doster—

To repeal an act entitled An act to secure complete records in the courts in this State, approved December 10, 1868, so far as the same applies to the counties of Autauga and Elmore ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Duskin moved to amend the bill by striking out the words " so far as it relates to the counties of Autauga and Elmore;"

The bill and amendment were referred to the committee on the Judiciary.

By Mr. Duskin—

To declare and make Lucy R. Taylor, wife of John Wm. Taylor, of the county of Hale, a free dealer, with the powers and liability of a femme sole;

Which bill was read twice forthwith, under a suspension of the constitutional rule;

Mr. Hamilton offered the following amendment to the bill:

"Provided, This act shall not go into effect until the said Lucy R. Taylor shall have paid into the treasury of the State the sum of fifty dollars;"

On motion of Mr. Doster,

The bill and amendment were referred to the committee on privileges and elections.

By Mr. Pennington—

Joint resolution to pay J. W. Dereen, James T. Jones, Wm. Miller, jr., and E. W. Martin, contestants in the Marengo, and Butler and Conecuh senatorial contests ;

Which joint resolution was read three times, under suspension of the constitutional rule, and passed.

By Mr. Glass-

To amend an act for the relief of Wm. C. McIver, administrator of the estate of Seaborne Jones, deceased, approved February 5, 1872 ;

Which bill was read three times, under suspension of the constitutional rule, and passed.

By Mr. Harris—

To regulate the publication of legal notices in the county of Russell ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 7, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed joint resolution, in which the concurrence of the Senate is requested, to be entitled as follows :

To authorize the Governor to contract a loan, and pledge the credit of the State for purposes therein named ;

For the appointment of committees, &c.;

To provide a flag staff, and national flag, for the State capitol ;

For appointment of joint committee.

ROBERT BARBER,
Clerk.

House joint resolution—

To authorize the Governor to contract a loan, and pledge the credit of the State for the purposes therein named, was read three times forthwith, under suspension of constitutional rule, and passed ;

Ayes 28, noes 1.

Ayes—Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—28.

Noes—Mr. Martin—1.

REPORT FROM STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary, reported a substitute for the Senate bill—

To enable the Mobile Marine Dock company to surrender and dissolve its charter of incorporation, to be entitled an act to enable incorporated companies to surrender and dissolve their charters of incorporation ;

Which substitute was adopted, and the bill was ordered to a third reading.

Also, from the same committee, favorably to Senate bill—

To amend first section of an act entitled An act to fix the time of holding the circuit courts in the 3d judicial circuit of Alabama, approved December 12, 1871 ;

Which bill was read the third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, a substitute for Senate bill—

To require annuitants to make proof of their being alive ; after the expiration of three years from last payment, the substitute to be entitled an act to regulate the payment of their incomes to annuitants ;

Which substitute was adopted, and the bill was ordered to a third reading.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 7, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, a

SENATE BILL,

To be entitled as follows ;

To authorize the "Masonic Temple Association" of Alabama to borrow money.

ROBERT BARBER,
Clerk of the House.

Mr. Hamilton, from the committee on the judiciary, reported adversely to Senate bill—

For the relief of Mrs. Ann Spragins, widow of Elias C. Spragins, deceased ;

Which adverse report was concurred in.

Also, from the same committee, favorably to Senate bill—

To repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of matrimony have been decreed, approved February 7, 1870 ;

The bill was ordered to a third reading.

Also, from the same committee, adversely to Senate bill—

To enforce the collection of judgments against counties;

Which adverse report was concurred in.

Also, from the same committee, adversely to Senate bill—

To amend an act to regulate the holding the courts of the first judicial circuit ;

On motion of Mr. Doster,

The further consideration of the report wag postponed. until 13 o'clock to-morrow.

RESOLUTION.

Mr. Hamilton introduced the following resolution :

Resolved, That the committee on internal improvements be instructed to prepare and report for action thereon by the General Assembly, as early as practicable, a joint memorial from this General Assembly to the Congress of the United States, requesting an early and liberal appropriation to complete the work already so successfully begun, and with great promise of entire success, of deepening the channel of navigation in the bay of Mobile and the lower harbor, for the accommodation of the commerce, of this State;

Mr. Cooper offered the following amendment,

Which was adopted :

And be it further resolved, That the said committee be also instructed to include in the said memorial an application to Congress for a liberal and adequate appropriation for the construction of such improvements on the Coosa river as will secure safe, certain and free navigation to the public from Rome, Georgia, to Wetumpka, Alabama.

The resolution, thus amended, was then adopted.

Leave of absence for three days was granted Mr. Duskin.

Mr. President announced the following standing committees :

ON LOCAL LEGISLATION.

Messrs. Martin, Pennington, Dereen, Hewitt and Royal

ON PENITENTIARY, PRISONS AND PUNISHMENTS.

Messrs. Duskin, Wilson, Terrell, Robinson and Haralson.

Also, on joint committee to visit States prison and States prison convicts, on part of the Senate :

Messrs. Martin, Hewitt and Harris.

On motion of Mr. Hamilton,

The Senate adjourned until 12 o'clock to-morrow.

SATURDAY, February 8, 1873.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Gwinn, of Montgomery.

On the call of the roll the following Senators answered to their names :

Messrs. Coleman, Cooper, Cunningham, Curtis, Dereen,. Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Murphy, Parks, Pennington, Robinson, Snodgrass, Walton and Wilson—25.

The journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On call of the districts, the following bills and joint resolutions were introduced:

By Mr. Goodloe—

To authorize the Governor to issue a patent to Patilla Woodruff, of the county of Franklin ;

By Mr. Goodloe—

To authorize the Governor of this State to fill all judicial offices of the State, when the same are or may become vacant by death, resignation, or otherwise ;

Which bills were severally read, under suspension of the constitutional rule, twice, and referred to the committee on the judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 8, 1873.

Mr. President:

I am directed, to inform the Senate that the House of Representatives has passed, without amendment, a Senate joint resolution to he entitled as follows :

To raise a committee to inspect the "State prison" and to enquire into the treatment of the convicts in charge ;

And has appointed as a committee on part of the House:

Messrs. Clarke of Perry, Crawford, Fantroy, Speed, and Goldsby.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, February 8, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that on the 7th inst. he signed and approved a bill which originated in the Senate :

An act to authorize the Masonic Temple Association of Alabama to borrow money;

And to day also, a

Joint resolution to raise a committee to inspect the State prison, and to inquire into the treatment of the convicts in charge.

Respectfully,
GEO. W. WILBURN,
Private Secretary.

The call of the districts was resumed.

By Mr. Hewitt—

To appropriate the taxes collected of the citizens of Birmingham upon licenses, to the public school fund of said city;

By Mr. Haralson—

To secure to the different counties of the State a proportional share of the public school money ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Martin—

For the support of the State library ;

By Mr. Doster—

To repeal an act entitled an act to repeal An act to authorize writs of garnishments against incorporated cities, &c.; and to repeal an act entitled an act to repeal An act to authorize writs of garnishment against incorporated cities, towns and villages ;

By Mr. Haralson—

To amend section 4063 of the Revised Code of Alabama ;

By Mr. Duskin—

To provide for keeping jurors together in capital cases, and more effectually to guard said trials ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Haralson—

To make the fees of the late sheriff of Dallas county, payable out of the general fund of said county ;

By Mr. Martin--

To incorporate the city of Tuskaloosa ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Black—

For the relief of D. H. Zorn, of Barbour county ;

By Mr. Curtis—

For the relief of Mrs. F. E. Husk, of Perry county ;

Which bills were severally read twice, under a suspension of the constitutional rule, and referred to the committee on privileges and elections ;

By Mr. Glass—

To relieve Walpole C. Brewer, of Macon county, and State of Alabama, of the disabilities of minority ;

Which bill was read twice, forthwith, under suspension of the constitutional rule ;

Mr. Hamilton offered amendment,

Which was adopted :

"But the provisions of this act shall not go into effect until the said Walpole C. Brewer shall have paid into the treasury of the State the sum of $50 ;"

The bill, thus amended, was referred to the committee on privileges and elections ;

By Mr. Miller—

To relieve Jacob Gilman, of Conecuh county, of the disabilities of non-age;

Which bill was read twice, forthwith, under suspension of the constitutional rule ;

Mr. Hamilton offered the following amendment,

Which was adopted:

" Provided, That the provisions of this act shall not become operative till the said Oilman shall have paid into the treasury of the State the sum of $50" ;

The bill, thus amended, was referred to the committee on privileges and elections ;

By Mr. Walton—

To authorize B. H. Warren, of Choctaw county, to redeem certain lands sold for taxes and purchased by the State ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation ;

By Mr. Hamilton—

To prevent in the city of Mobile the sale of spirituous. or vinous liquors within three hundred yards of any building used for public worship ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Robinson—

To prevent the sale of spirituous liquors within one and a half miles of the Alabama and Georgia factory, in Chambers county ;

Which bill was read three times, under suspension of the constitutional rule, and passed ;

By Mr. Martin—

Joint resolution to provide part payment of expenses by the commissioner to the industrial exposition at Vienna, to represent in due form and style the State of Alabama and its resources, in accordance with the proclamation by the Governor, January 21, 1873 ;

Which joint resolution was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on industrial resources and public buildings;

By Mr. Edwards—

Joint resolution to prohibit the sale, or in any manner disposing of vinous or spirituous liquors within the en-

closure of the capitol building, in the city of Montgomery ;

Which Joint resolution was read. three times forthwith, under suspension of the constitutional rule, and passed.

RESOLUTION.

On motion of Mr. Cooper—

Resolved, That from and after the adoption of this resolution, it shall be considered as a standing rule of the Senate that no smoking shall be allowed in the Senate chamber.

REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary, reported favorably to the bill to repeal an act entitled—

An act to exempt from administration property of decedents, and vest titles in the widow or child, or children, approved February 8, 1872 ;

The bill was ordered to a third reading.

Also, from the same committee, adversely to the bill—

To incorporate the Stonewall Iron company, and to confer certain powers and privileges thereon ;

Which adverse report was concurred in.

Also, from the same committee, favorably to Senate bill—

To fix the time of holding the chancery courts for the ninth district of the western chancery division of Alabama, composed of the county of Hale ;

The bill was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill—

To prevent the evil practice of dueling ;

The bill was ordered to a third reading.

Also, from the same committee, favorably to Senate, bill—

To repeal an act to establish a criminal court for the county of Russell, with criminal and civil jurisdiction, approved February 26, 1872 ;

The bill was ordered to a third reading.

Also, from the same committee, a substitute for Senate bill—

To regulate the sale of property levied upon under execution in Wilcox county ; the substitute to be entitled An act to amend section 2860 of the Revised Code ;

The substitute was adopted, and the bill, thus amended, was ordered to a third reading.

Mr. Ervin, from the committee on finance and taxation, reported favorably to Senate bill—

To repeal an act entitled An act to require the court of county commissioners to publish semi annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868, as to the county of Perry ;

The bill was ordered to a third reading.

Also, from the same committee, adversely to Senate bills as follows :

To prevent assessors and collectors of taxes from assessing and collecting the fee of seventy-five cents, unless they have made the demand or given the written notice required by sections 34 and 49 of the Revised Code of 1868 ;

To prevent the depopulation of Alabama ;

For the relief of I. Adler & Brothers, late citizens of the city of Demopolis, and county of Marengo ;

For the relief of Wm. Freemen :

For the relief of Harry H. Moseley, late sheriff of Perry county ;

For the relief of John B. Davis, late tax collector of Greene county;

Which adverse reports were severally concurred in.

Also, from the same committee,

Adversely to Senate bill—

To authorize the court of county commissioners of Madison county to pay for fuel used in offices of judge to probate, sheriff and clerk of circuit court of said county;

Which adverse report was not concurred in;

The bill was ordered to a third reading.

Also, from the same committee, the following report on the resolution relative to the number and pay of the officers and employes of the Senate:

Your committee on finance and taxation have had under consideration reports of special committees on expenses, and have instructed me to report the same back and recommend that the clerical force, with pages, messengers, hall tenders, &c., remain as at present constituted, and with salaries fixed now by law, and that the engrossing and enrolling clerks be authorized to appoint their own assistants when actually needed only.

The report was concurred in.

Mr. Pennington, from the committee on internal improvements, reported favorably to senate bill—

To amend the charter of the Elyton, Corinth and Tennesse river railroad company;

The bill was ordered to a third reading.

Also, from the same committee, favorably to Senate bill—

To enable the Memphis and Charleston railroad company to pay off and discharge its floating debts;

The bill was read third time, under suspension of the constitutional rule, and passed.

Also, from the same committee—

Joint memorial to the Congress of the United States asking an appropriation to continue the work of deepening the channels of navigation in the bay of Mobile;

The joint memorial was adopted.

RESOLUTIONS.

Mr. Hamilton offered the following resolution, which was adopted:

Resolved, That the hour for the daily meeting of the Senate shall be 11 o'clock a. m., excepting Monday, when the hour of meeting shall be 12 in., till otherwise ordered.

On motion of Mr. Pennington—

Resolved, That the committee on internal improvements is hereby authorized to employ a clerk to said committee, who shall receive the same pay as other clerks of the Senate.

JOINT COMMITTEE.

Mr. President announced the following committee on part of the Senate jointly to examine the offices of Auditor and Treasurer, as provided by section 40 of the Revised Code of Alabama:

Messrs. Goodloe, Cunningham and Black.

On motion of Mr. Haralson,

Senate adjourned until 12 o'clock, to-morrow.

MONDAY, February 10, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer, of Montgomery.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Hamilton, Harris, Hewitt, Jones, Leftwich, Martin, Murphy, Parks, Pennington, Robinson, Snodgrass, Walton and Wilson—24.

Journal of yesterday was read.

On motion of Mr. Hewitt,

It was corrected so as to read where a bill was reported favorably to by a committee, and the bill was ordered to a third reading that "the report of the committee was concurred in, and the bill ordered to a third reading;"

Thus corrected, the journal was approved.

CALL OF THE DISTRICTS.

On a call of the districts the following bills and petitions were introduced :

By Mr. Cooper—

To incorporate the Planters' and Manufacturers' Loan and Trust company of Woodstock, Alabama ;

By Mr. Martin—

To define and regulate property exempt from sale under legal process or administration, for the payment of debts ;

By Mr. Robinson—

To fix the time of holding courts in the ninth judicial circuit ;

By Mr. Robinson—

To regulate appeal in this State ;

By Mr. Wilson—

To amend section 2335 of the Revised Code ;

By Mr. Haralson—

To enlarge the rule of evidence in favor of defendants in certain criminal prosecutions in the courts of this State whenever it is probable that the offence charged is connected with some injury to the reputation, character, virtue or person of a woman;

By Mr. Haralson—

To regulate the fees of sheriffs for serving subpoenas on witnesses summoned to appear before the grand jury ;

By Mr. Hamilton—

To authorize the Governor, with the ad vice of the Attorney General and Secretary of State, to fix the time of holding the terms of the circuit and chancery courts of this State ;

By Mr. Carmichael—

To prevent the selling, giving or delivering of any vinous, fermented or spirituous liquors to persons who are, or who are reputed to be, of unsound mind ;

By Mr. Carmichael—

To prevent the carrying of sling shots ;

By Mr. Carmichael—

To prevent an improper use of fire-arms ;

By Mr. Carmichael—

To amend section 1833 of the Revised Code ;

By Mr. Pennington—

For the relief of Peter Menifee and Judy Menifee, of Lee county;

By Mr. Black—

To amend section 873 of the Revised Code of Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Hewitt—

To amend the sixth section of an act entitled An act to incorporate the city of Birmingham, approved Dec 30, 1871 ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Haralson—

To declare Mrs. Mina Buhler, wife of Lewis Buhler, of Dallas county, a free dealer ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

Mr. Hamilton offered the following amendment;

Which was lost :

Provided, This act shall not take effect until the said Mina Buhler shall pay into the State treasury the sum of $50.00 ;

Mr. Robinson moved to amend by adding Emeline M. Finley, wife of Win. P. Finley ;

Which amendment was accepted ;

Mr. Hewitt moved to amend by inserting the name of

Mrs. Mary Spencer, wife of A. S. Spencer, of Jefferson. county ;

Which amendment was accepted ;

The bill, thus amended, was referred to the committee on municipal and county organizations.

By Mr. Robinson—

To repeal an act to amend an act entitled An act to establish revenue laws for the State of Alabama ;

By Mr. Carmichael—

To amend section 80 of an act entitled An act to establis revenue laws for the State of Alabama ;

Which bills were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Leftwich—

To prevent the sale of agricultural products in Greene county between sun-set and sun-up, unless the purchaser shall keep a record of the seller, article purchased, and price given for the same ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

On motion of Mr. Carmichael—

The bill was amended by striking out the words "county of Greene," where they occur in the bill, and inserting in lieu thereof the words, "State of Alabama ;"

Mr. Black offered the following amendment, which was lost :

"Provided, The provisions of this act do not apply to incorporated cities and towns,"

Mr. Black moved to lay the bill on the table ;

Which motion was lost ;

The bill, as amended, was then referred to the committee on privileges and elections.

By Mr. Hamilton—

To amend section 8 of an act entitled An act to amend the charter of the Mobile Trade company, approved December 6, 1866 ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Carmichael—

To amend section 3704 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on penitentiary, prisons and punishments.

By Mr. Carmichael—

To repeal sections 2, 8 and 9, of an act entitled An act to establish additional revenue laws for the State of Alabama, approved February 26, 1872, so far as the same relates to the county of Dale ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Ervin—

To prevent the sale of spirituous liquors within two-miles of Pine Hill Methodist church, in Wilcox county;

By Mr. Dereen—

To repeal an act entitled. An act to increase the pay of the county commissioners of Marengo and Choctaw counties, Alabama, approved October 10, 1868 ;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

By Mr. Hamilton—

The following memorial:

Which was read, and referred to the committee on the judiciary, with instructions to report by bill, or otherwise :

To the Honorable the Legislature
of the State of Alabama:

At the annual meeting of the National Board of Trade, held in the city of St. Louis, in December, 1871, the undersigned were requested to memorialize the legislatures of the different States to enact laws with a view to the protection of the use of the telegraph within their respective boundaries; for the punishment of persons detected in surreptitiously and piratically obtaining, or attempting to obtain the contents or purport of private telegraphic messages; also, for the punishment of employees of telegraph companies for improperly or dishonestly disclosing the contents or purport of private telegraphic messages.

No argument is necessary to show that the inviolability of private telegraphic correspondence is of the first importance to the community, and the undersigned would therefore respectfully ask your honorable body to enact such laws as will protect all your citizens in the full enjoyment of this right.

And as in duty bound, etc., etc.

FREDERICK FRALEY, of Phila.,
President.
HAMILTON A. HILL, of Boston,
Secretary.

March 19, 1872.

By Mr. Hamilton—

Also, the memorial of the National Board of Trade of the United States, to the honorable legislature of the State of Alabama, relative to the inspection of articles of merchandise under State authority;

Which memorial was read, and referred to the committee on federal relations, with instructions to report by bill or otherwise.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hewitt gave notice that he would move to reconsider the vote taken Saturday, by which the bill to amend the charter of the Elyton, Corinth and Tennessee River Railroad company was ordered to a third reading.

REPORTS OF STANDING COMMITTEES.

Mr. Harris, from the committee on education, to which was referred the bill to repeal subdivision 4 of section 957 (821) of the Revised Code, made the following adverse report:

REPORT FROM THE COMMITTEE ON EDUCATION.

Mr. President:

The committee on education, to which was referred the bill to be entitled an act to repeal An act to repeal subdivision 4 of section 957 (821) of the Revised Code of Alabama, approved February 1, 1872, have had the same under consideration, according to the order of the Senate, and instruct me to report adversely thereto.

Your committee is influenced in making an adverse report by the following considerations :

First. Because we think the provisions made for educational purposes by the constitution of the State are liberal, and provide as large a proportion of the public revenue for that, as should be devoted to any one purpose.

Second. Because in the present embarrassed financial condition of Alabama it is necessary to reduce the expenses of the State in every department minimum sum consistent with the interest of her citizens.

Third. Whilst your committee recognize the fact that it is better to erect school houses than county jails, and think that nothing is so well calculated to put an end to crime as the intelligent appreciation of its moral turpitude, they cannot think the end desired will be obtained and the interest of the State advanced by the imposition of burdens which the State has not the financial ability to bear.

For these reasons, your committee ask the concurrence of the Senate in the adverse report.

WALTON B. HARRIS, Chairman, &c.

The adverse report of the committee was concurred, in ;

Also, from the same committee, favorably, with an amendment, to the bill—

To secure to the different counties of the state a proportional share of the public school money ;

The report was concurred in, and the amendment adopted;

The bill thus amended was ordered to a third reading.

Also, from the same committee, favorably to the bill—To appropriate the taxes collected of the citizens of Birmingham upon licenses, to the public school fund of said city ;

The report was concurred in.

Mr. Pennington offered the following amendment to the bill :

" That the provisions of this act shall apply to the city of Opelika ;"

Mr. Robinson moved to indefinitely postpone the consideration of the bill and amendment ;

Which motion was lost.

Mr. Robinson moved to amend the amendment by striking out "city of Birmingham," when it occurs, and insert in lieu "every incorporated town and city in the State;"

Mr. Martin moved to lay the amendment to the amendment on the table, which motion was carried ;

Mr. Pennington, with leave, withdrew his amendment;

The bill was then ordered to a third reading.

Mr. Parks, from the committee on municipal and county organizations, reported adversely to the following bills:

To prohibit the vending of vinous or spirituous liquors within three miles of the Baptist college in Blount county;

For the relief of Russell county ;

To authorize the commissioners court of Russell county to provide for the payment of the indebtedness of said county ;

Which adverse reports were severally concurred in.

Also, from the same committee, favorably to the following bills:

To enlarge the board of equalization of the county of Perry ;

Requiring the sureties on the official bonds of the county officers of Baldwin county to reside in said county ;

The reports were concurred in, and the bills severally ordered to a third reading.

Also, from the same committee, favorably to the bill—

To change the county line between the counties of Clay and Randolph;

The report was concurred in, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed ;

Ayes 26, noes 1;

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Murphy, Parks, Royal, Snodgrass, Walton and Wilson—26;

Noes—Mr. Robinson—1.

Also, favorably to the bill—

To change the line between the counties of Randolph and Russell;

The report was concurred in, and the bill ordered to a third reading;

Also, from the same committee, favorably to the bill—

To require the county treasurer of Perry county to make semi-annual statements of all monies received and expended by him, for and on account of said county, to the court of county commissioners, and for recording and posting the same;

Also, from the same committee, favorably to the bill to amend an act entitled An act to establish a new charter for the town of Athens, in the county of Limestone, approved March, 1871;

Which bills were severally read a third time, under suspension of the constitutional rule, and passed.

Mr. Martin, from the committee on local legislation, reported favorably to the bill—

To amend an act entiled an act to repeal an act entitled An act to authorize the publication of legal and other notices in the state of Alabama, approved August 12, 1868;

And an act entitled An act to amend the same, ap proved October 18th, 1868;

The report was concurred in, and the bill ordered to a third reading.

Also, from the same committee, adversely to the bill—

To prevent camp hunting in the county of Blount;

Which adverse report was concurred in;

Also, from the same committee, adversely to tlie bill—

To prevent, in the city of Mobile, the sale of spirituous or vinous liquors within three hundred yards of any building used for public worship;

Which adverse report was concurred in.

Also, from the same committee, adversely to the bill—

To repeal an act entitled. An act to establish a new charter for the city of Opelika, approved March 3, 1870, and all acts amendatory thereto ;

Which adverse report was not concurred in.

Mr. Robinson moved to postpone the further consideration of the bill until Monday next, at 12 o'clock m., and make it the special order for that hour ;

Which motion was lost;

The bill was ordered to a third reading.

Mr. Parks, from the committee on municipal and county organizations, reported adversely to the petition of a number of the citizens of the counties of Jefferson, Walker and Blount, asking for a formation of a new county out of certain territory therein described ;

Which adverse report was concurred in.

Mr. Miller, from the committee on industrial resources and public buildings, reported favorably to Senate joint resolution—

To provide part payment, "of expenses by commissioner to industrial exposition at Vienna, to represent in due form and style the State of Alabama and its resources, in accordance with the proclamation by the Governor, January 21, 1873;

The report was concurred in, and. the joint resolution ordered to a third reading.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 10, 1873.

Mr. President:

I am directed to inform the Senate that the House has passed a bill to be entitled "An act to provide for the payment of the members and officers of the General Assembly, now in session in Montgomery, and for other purposes."

I am also directed to communicate the bill to the Senate, without being engrossed, and to ask the concurrence of the Senate therein.

ROBERT BARBER,
Clerk.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To prevent the sale of spirituous or malt liquors within one and a half miles of the Academy in the town of Roanoke in Randolph county, Alabama ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of Mrs. Mary Ann Hook, of Pike county;

Was read twice, under suspension of the constitutional rule, and ordered to a third reading.

House bill—

To relieve Win. P. Johnson, of the county of Pickens, of the disabilities of non-age ;

Was read twice forthwith, under suspension of the constitutional rule;

Mr. Carmichael moved to amend, by adding the name of M. P. Brown, of Bullock county;

On motion of Mr. Martin,

The amendment was laid on the table ;

Mr. Hewitt offered the following amendment:

Provided, That the provisions of this act shall not go into effect until said William F. Johnson shall have paid into the State treasury the sum of $50.00.

Mr. Robinson moved to lay the amendment on the table;

And the amendment was laid on the table;

Ayes 17, noes 11.

Ayes—Messrs. Black, Coleman, Cunningham, Curtis, Dereen, Driesbach, Buskin, Edwards, Haralson, Jones, Martin, Murphy, Parks, Pennington, Robinson, Royal and Wilson—17.

Noes—Messrs. Carmichael, Cobb, Cooper, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Snodgrass and Walton— 11.

The bill was then referred to the committee on local legislation.

House bill—

To prohibit the sale, giving away, or otherwise disposing of to another, spirituous, vinous or malt liquors, within a distance of two miles of the Academy in Belmont, Sumter county, Alabama ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

On motion of Mr. Coleman,

Senate adjourned until 11 o'clock to-morrow.

TUESDAY, February 11, 1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—28.

Journal of yesterday was read and approved.

On motion of Mr. Martin,

Leave of absence for ten days was granted. Mr. Edwards .

NOTICE OF MOTION TO RECONSIDER.

Mr. Haralson gave notice that he would move to reconsider the vote taken yesterday, by which the Senate concurred in the adverse report of the committee on education, to the bill to repeal an act to repeal sudivision 4 of section 957 (821) of the Revised Code of Alabama, approved February 1, 1872.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills and petitions were introduced :

By Mr. Goodloe—

Regulating the charges of transportation of freight upon railroads within tins State ;

By Mr. Snodgrass—

To repeal sections 117 and 118 of an act of the revenue laws of Alabama, so far as they require newspaper publication ;

By Mr. Walton—

To authorize G. H. McKee, of the county of Choctaw, to redeem certain lands sold for taxes and purchased by the State ;

By Mr. Driesbach—

For the relief of D. A. Moniac, tax collector of Baldwin county ;

By Mr. Haralson—

For the relief of the Alabama Central Railroad ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Black---

To repeal an act entitled an act to repeal An act to enable certain officers to collect their fees.

By Mr. Haralson—

To make all living in concubinage, or any cohabitation in sexual commerce between a man and woman in this State, a marriage of the persons so living or cohabiting;

By Mr. Haralson—

To aid in the suppression of the vice of irregular sexual commerce between a man and woman not regularly married;

By Mr. Haralson—

To define the rights of children born and begotten out of lawful wedlock in this State;

By Mr. Duskin—

To regulate the terms of the courts of the first judicial circuit;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Snodgrass—

To change and define the county line between the counties of DeKalb and Cherokee;

By Mr. Terrell—

To change the name of Youngsville to that of Alexander City, and incorporate the same;

By Mr. Ervin—

To enforce the collection of taxes in the town of Camden;

By Mr. Parks—

To change the boundary line between the counties of Pike and Montgomery;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Terrell—

To repeal an act entitled An act to incorporate the town of Youngsville, in the county of Tallapoosa;

Which bill was read twice, under suspension of the constitutional rule, and ordered to a third reading.

By Mr. Royal—

To regulate the fees of the sheriff of Bullock county, in certain cases;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Hewitt—

To repeal an act entitled An act to regulate the publication of legal notices in the counties of Shelby, Walker,

Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as the same relates to the counties of Walker, Jefferson and St. Clair ;

Which bill was read twice forthwith, under suspension of constitutional rule ;

On motion of Mr. Cobb,

The bill and its caption were amended by inserting "Shelby county ;"

Thus amended, the bill was read the third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Terrell—

To amend sections 2 and 6 of an act entitled An act to incorporate the town of Dadeville, in the county of Tallapoosa ;

By Mr. Carmichael—

To amend section 2 of an act entitled An act to create a new chancery district out of the county of Dale, approved February 18, 1871 ;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

Mr. Snodgrass, with leave, introduced the following resolution :

Resolved, That the doorkeeper of the Senate be and he is hereby authorized and required to perform all duties inside the Senate chamber which are required by law of a sergeant-at-arms of said body ;

Mr. Hewitt—

Moved to amend by adding to the resolution the words, "without additional pay,"

Which amendment was accepted, and the resolution thus amended was adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Doster, from the committee on privileges and elections, reported favorably to Senate bills—

For the relief of Augustine Schmidt and R. A. Morgan, of Marengo county ;

The report was concurred in, and the bill read a third time, under suspension of the constitutional rule, and passed ;

Also, from the same committee, favorably to Senate bill-

To distribute certain copies of Brickell's digest ;

Which report was concurred in, and. the bill ordered to a third reading.

Also, from the same committee, adversely to Senate bill—

To make Malinda Ann Cain a free dealer ;

Which adverse report was concurred in.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 11, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

To amend an act to incorporate the town of Mumford ;

To suspend the operation of section 909 of the Revised Code of Alabama, in favor of bona fide holders of claims against the county of Marengo ;

To prohibit the keeping, sale, gift, or use of spirituous or malt liquors, within the capitol building and upon the capitol grounds ;

An act to incorporate the town of Alabama Furnace, in the county of Talladega.

ROBERT BARBER,
Clerk.

Mr. Doster, from the committee on privileges and elections, reported adversely to Senate bill—

To declare and make Lucy R. Tayloe, wife of John William Tayloe, of the county of Hale, a free dealer, with the powers and liabilities of a femme sole ;

Which adverse report was not concurred in ;

Ayes 12, noes 17 ;

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Doster, Driesbach, Ervin, Hamilton, Harris, Hewitt, Robinson and Terrell —12.

Noes—Messrs. Cooper, Cunningham, Curtis, Dereen, Duskin, Glass, Haralson, Jones, Leftwich, Martin, Murphy, Parks, Pennington, Royal, Snodgrass, Walton and Wilson—17.

The question being on Mr. Hamilton's amendment to the bill,

Mr. Dereen moved to lay the amendment on the table ;

Which motion was lost ;

The question recurring upon Mr. Hamilton's amendment,

Pending the consideration of which,

On motion of Mr. Martin,

The Senate adjourned until 11 o'clock to-morrow.

WEDNESDAY, February 12,1873.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer, of Montgomery.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Duskin, Edwards, Ervin, Gluss, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—32.

The journal of yesterday was read and approved.

Mr. Hewitt, with leave, moved to reconsider the vote by which the bill to amend the charter of the Elyton, Corinth and Tennessee River Railroad company was ordered to a third reading ;

Which motion was carried ;

Mr. Hewitt then offered the following amendment to the bill,

Which amendment was adopted :

Strike out "Jackson," where it occurs in the 6th section of the bill, and insert in lieu thereof "St. Louis" ;

The bill thus amended was read a third time forthwith, under suspension of the constitutional rule, and passed.

RULES AND REGULATIONS.

Mr. President presented the following rules and regulations for the Senate ;

Which, on motion of Mr. Ervin, were adopted :

Persons admitted on the floor of the Senate chamber, while the Senate is in session :

1. Executive officers of the State and of the United States.

2. Judges of the State and of the United. States Courts, members of Congress and members of the General Assembly.

3. Ex-executive officers of the State and of the United States ; ex-members of Congress, and ex-Senators of Alabama.

4. Editors and reporters, at such table as may be assigned on the floor or in the bar.

All other persons are excluded therefrom, and all persons are to be excluded from the bar, and the chair and seats of the Senators, and the closets of the Senate chamber, and from being near the fire-places.

On motion of Mr. Carmichael—

HOUSE BILL

To provide for the payment of the officers and members of the General Assembly, now in session in Montgomery, and for other purposes, was taken up ;

Bill was read three times forthwith, under suspension to the constitutional rule, and passed;

The title of the bill was amended so as to read—

A bill to be entitled An act to authorize the Governor to negotiate a loan of one hundred thousand dollars for certain purposes therein named.

On the passage of the bill—ayes 29, noes 1.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—29.

Noes—Mr. Martin—1.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 12, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

An act fixing the rate of taxation in this State ;

To prohibit selling, giving away, or other disposition of spirituous, vinous, or intoxicating liquors within two-miles of Concord church, in Randolph county.

Also, joint resolution—

To authorize the appointment of a joint committee to inspect railroads, &c.;

Authorizing and. requesting the committee on public institutions, or so many thereof as may desire to do so, to accept the invitation of principal of Deaf, Dumb and Blind institute at Talladega.

ROBERT BARBER,
Clerk.

HOUSE BILL,

On motion of Mr. Ervin,

House bill fixing the rate of taxation in this State, was taken up ;

Bill was read twice forthwith, under suspension of the constitutional rule ;

Mr. Robinson moved to amend as follows :

By striking out "three-fourths," and inserting "six-tenths."

Mr. Cobb moved to lay the amendment on the table ;

And the amendment was laid on the table ;

Ayes 35, noes 5 ;

Ayes—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Parks, Pennington, Royal, Snodgrass and Wilson—25.

Noes—Messrs. Carmichael, Martin, Robinson, Terrell and Walton—5.

On motion of Mr. Hamilton,

The bill was referred to the committee on finance and taxation.

Mr. President laid before the Senate a memorial of one Anson Sontag, a citizen of the United States, on the subject of immigration ;

Which was referred to the committee on federal relations.

Also, the following communication, which was read :

FRANKFURT-ON-MAIN,
January 20, 1873.

To the Honorable President of the Senate,
Montgomery, Ala :

At a meeting of the bond-holders of the Alabama and Chattanooga road, held on the 7th January, at the chamber of commerce, the following resolutions were unanimously passed :

1st. Resolved, That the banking houses of Messrs. Baruch Bonn, M. A. Greenbaum & Ballin, Seligman & Stettheimer, be and are hereby appointed a committee to correspond with the Governor of the State of Alabama, the Legislature, as also with the receiver of the road, and other persons connected with it, to ascertain officially the state of affairs and condition of the said road, and the chance of receiving the interest due on the said bonds.

2d. Resolved, That the above named committee send copies of the answers when received from the officials of the State, to the chamber of commerce, and same be published in the newspapers of the city.

3d. Resolved, In the event the Legislature now assembled at Montgomery should have adjourned without having made necessary preparations for the payment of the over-due coupons on the first mortgage bonds, the committee is and are hereby empowered to employ counsel, and take all necessary steps for the collection of the said coupons, and if necessary, to seize and sell the road in favor of the holders of the first mortgage bonds.

4th. Resolved, That a copy of these resolutions be forwarded to the Governor, President of the Senate, and Speaker of the House of the State of Alabama, and the same be published in the press of this city.

In forwarding these resolutions to your honorable body, the committee beg leave to state some of the facts connected with the matter.

At the time these bonds were placed in this market, many of which were purchased by persons of moderate means, who depended upon the prompt payment of the interest for their income, very few knew or asked about the condition or value of the road itself, the distance being too far to obtain exact information, and the main and only assurance given for the high price then obtained, compared with other bonds in the market, was solely the guarantee of the Slate of Alabama for the said bonds.

The first non-payment of the coupons in July last did not create uneasiness, and was thought to be only a temporary embarrassment of the road soon to be overcome by the authorities of the State, who gave assurance through its agents that it would soon be satisfactorily arranged. Since then, six months have again gone by without the interest being paid, and various reports coming here to the effect that the road had been purchased, and again sold by the State, tending to cause fear and alarm to the numerous holders of the said bonds who, as

before said, many depend, upon prompt payment of interest as their means for subsistence.

We therefore beg you to inform us—

1st. What steps the State has taken and is now taking, for the speedy fulfillment of its obligations to the creditors for the coupons now over-due and becoming due hereafter.

2d. In whose hands and in what condition the road is at the present time, and what guarantee tile same offers besides that of the State, for the prompt payment hereafter of its liabilities.

In propounding these questions to you," the committee are but carrying out their instructions, and hope to receive a favorable answer, so they may be able to assure the bondholders that their interest is in safe hands, and at the same time the reputation of the State of Alabama, ranking always deservedly high in the European markets, may be continued ; all parties there having acknowledged their willingness to meet these liabilities, we hope the delay is but temporary, and that ample arrangements will be made by your honorable body to maintain the credit and integrity of your sovereign State.

We remain yours, very respectfully,

SELIGMAN & STETTHEIMER,
BARUCH BONN,
M. A. GREENBAUM & BALLIN .

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 12, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed two bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To authorize chancellors of the State of Alabama, and other judicial officers, to solemnize marriages ;

To prohibit the sale or otherwise disposing of any spirituous liquors within two miles of the Baptist church, located at Arkadelphia, in Walker county.

ROBERT BARBER,
Clerk.

JOINT RESOLUTION.

Mr. Cobb, with leave, offered the following joint resolution, to inquire into the condition of the Alabama and. Chattanooga Railroad :

WHEREAS, At a meeting of the stockholders of the Alabama and Chattanooga Railroad, a committee was appointed to correspond with the Governor and General Assembly of this State ; and,

WHEREAS, The committee so appointed have addressed the President of the Senate a communication containing a copy of a number of resolutions adopted by said bondholders' meeting, asking for information as to the present condition of said railroad, and the prospect of an appropriation for the payment of the coupons on the first mortgage bonds now over-due ; and

WHEREAS, It is important to the people as well as the credit of the State, that the condition of said railroad should be inquired into by the General Assembly of the State ; therefore,

Resolved by the Senate of Alabama (the House of Representatives concurring), That a committee of three, with a like committee upon the part of the House of Representatives, be appointed to inquire into and report at as early a day as practicable, the condition of the Alabama and Chattanooga Railroad company, together with the amount of over-due coupons on the bonds of said railroad, for which the State is legally liable, together with the necessity for an appropriation for the payment of such over-due coupons.

The joint resolution was adopted.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Goodloe—

To authorize conductors on railroads, and captains of steamboats, to make arrests ;

By Mr. Cobb—

To amend section 2562 of the Revised Code ;

By Mr. Haralson—

To authorize the judge of the city court of Montgomery to appoint a prosecuting attorney for the said city court of Montgomery ;

By Mr. Haralson—

To regulate grand and petit jurors in this State ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Haralson—

To prohibit the dealing in State claims by public officers ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

Mr. Terrell moved to amend by striking out " misdemeanor " and all thereafter in the first section of the bill, and insert in lieu thereof "felony, and upon conviction thereof be sentenced to hard labor in the peitentiary for a period not exceeding five years."

Mr. Pennington moved to amend the amendment by inserting after the words "State officer," the words "or any person a citizen of the State ;"

On motion of Mr. Hewitt—

Mr. Pennington's amendment was laid on the table ;

Ayes 24, noes 6.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Ervin, Glass, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Royal and Snodgrass—24.

Noes—Messrs. Goodloe, Pennington, Robinson, Terrell, Walton and Wilson—6.

The question recurring on Mr. Terrell's amendment ;

On motion of Mr. Haralson,

It was laid on the table ;

Ayes 21, noes 8.

Ayes—Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Doster, Duskin, Ervin, Glass, Hamilton, Haralson, Harris, Jones, Leftwich, Martin, Miller, Murphy, Robinson, Royal and Terrell—21.

Noes—Messrs. Coleman, Goodloe, Hewitt, Parks, Pennington, Snodgrass, Walton and Wilson—8.

On motion of Mr. Carmichael,

The bill was then referred to the committee on the judiciary.

By Mr. Terrell—

To authorize Sarah E. Mitchell, of Tallapoosa county, to take letters of guardianship of her minor children upon entering into bond without sureties ;

By Mr. Glass---

To allow the justices of the peace and constables of Macon county to charge the same fees as are allowed the justices of the peace and constables of Montgomery county, Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Wilson—

To amend section 55 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Duskin—

To repeal an act entitled An act to extend the term of office of the present county superintendents of education, approved December 14, 1872 ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on education .

By Mr. Cooper—

To prohibit the wholesale and retail of spirituous liquors within two miles of Bangor, in Blount county ;

By Mr. Ervin—

To require the clerk of the circuit court of Wilcox county to set the cases upon the State docket of his court for trial on particular days ;

By Mr. Carmichael—

To fix the time and place of holding the chancery courts in the district composed of the counties of Barbour, Henry, Dale and Bullock, of the eastern chancery division of the State of Alabama ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

JOINT RESOLUTION.

By Mr. Martin—

Joint resolution to provide for paying the expenses incurred by the Senate select committee in investigating the condition and management of the Alabama and Chattanooga Railroad ;

Which joint resolution was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Hewitt, Doster, Miller, Ervin and Goodloe.

RESOLUTION.

Mr. Goodloe offered the following resolution,

Which was adopted :

Resolved, That the judiciary committee be requested, to prepare and report to the Senate, as soon as practicable, a bill providing how, whenever it shall be necessary for the State to sell any railroad on account of its liabilities for it, the said road may be sold in shares of stock, and in proportion to the liabilities due and payable, and also protecting the purchasers against the watering of the stock after their purchase.

PETITION.

Mr. Haralson presented a petition ;

Which was referred to the judiciary committee.

Mr. Haralson moved to adjourn ;

Which motion was lost ;

Ayes 6, noes 21.

Ayes—Messrs. Coleman, Haralson, Jones, Martin, Robinson and Royal—6.

Noes—Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Miller, Murphy, Parks, Pennington, Snodgrass, Walton and Wilson— 21.

REPORTS FROM STANDING COMMITTEES.

Mr. Miller, from the committee on industrial resources, with leave, reported favorably to Senate joint resolution—

To provide part payment for expenses by the commissioner to the Industrial Exposition at Vienna, to represent in due form and style the State of Alabama, and its resources, in accordance with the proclamation by the Governor, January 21, 1873.

The report was concurred in, and the joint resolution ordered to a third reading.

Mr. Cobb, from the committee on federal relations, with leave, reported favorably, with amendment, to Senate bill—

To continue in force an act entitled an act to re-enact and to amend An act to incorporate the Alabama Savings bank of Montgomery, appproved February 12, 1867, with an amendment to second section of said act ;

The report was concurred in ;

On motion of Mr. Hewitt,

The further consideration of the bill and amendment, were postponed until Tuesday next at 11 o'clock, and they were made special order for that hour.

Mr. Terrell moved to postpone the consideration of the bill to declare and make Lucy R, Tayloe, wife of John William Tayloe of the county of Hale, a free dealer, &c., until 11 o'clock to-morrow ;

Which motion was lost.

Pending the consideration of Mr. Hamilton'1 s amendment to said bill,

On motion, of Mr. Wilson,

The Senate adjourned until 11 o'clock to-morrow.

———————

THURSDAY, February 13, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer, of Montgomery.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Ervin, G-lass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Martin, Miller, Murphy, Parks, Pennington, Robinson, Snodgrass, Terrell, Walton and Wilson—28.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Coleman—

To require the clerks of the circuits courts of the State to set the cases upon the State docket of the circuit courts for trial on particular days ;

By Mr. Coleman—

To regulate the competency of witnesses in misdemeanors ;

By Mr. Coleman—

To amend section 3733 of the Revised Code ;

By Mr. Coleman—

To amend section 3738 of the Revised Code ;

By Mr. Terrell—

To authorize D. W. Hodo to sell lands of his decedent at private sale ;

By Mr. Black-

To amend sections 2437, .2438 and 2439 of the Revised Code of Alabama ;

By Mr. Black—

To provide against the evil resulting from the sale of intoxicating liquors in the State of Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Coleman—

To encourage the planting of vineyards and fruit trees and the growing of clovers and grasses in this State ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

Mr. Carmichael moved to amend by striking out the words " clovers and grasses," where they occur in the title and body of the bill ;

Which amendment,

On motion of Mr. Pennington,

Was laid on the table ;

Ayes 16, noes 11.

Ayes—Messrs. Black, Coleman, Cooper, Dereen, Doster, Duskin, Goodloe, Harris, Hewitt, Jones, Miller, Murphy, Parks, Pennington, Royal and Terrell—16.

Noes—Messrs. Carmichael, Cobb, Cunningham, Ervin, Glass, Hamilton, Haralson, Leftwich, Martin, Snodgrass and Walton—11.

Mr. Cobb offered the following amendment :

Amend by inserting after the word "seeds" in the caption and body of the bill, the words "corn and cotton ;"

Mr. Haralson moved to amend the amendment by striking out the word "cotton ;"

Bill and amendments were referred to the committee on internal improvements.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 13, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has concurred in the Senate amendment to

HOUSE BILL

To authorize the Governor to negotiate a loan of one hundred thousand dollars for certain purposes therein named.

ROBERT BARBER,
Clerk.

By Mr. Murphy—

To re-enact subdivision 4 of section 957 of the Revised Code of Alabama ;

By Mr. Martin—

To provide for the payment of the board of regents of the State University;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Cobb—

To change and straighten the line between the counties of Baker and Dallas ;

By Mr. Cobb—

To repeal an act entitled An act to add a part of Baker county to Dallas county, approved December 15,1869 ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Hamilton—

To amend section 3 of an act entitled An act to incorporate the Mechanics Saving company of Mobile ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on federal relations.

By Mr. Terrell—

To repeal an act entitled an act to amend an act entitled An act to establish revenue laws for the State of Alabama, approved Feb. 9th, 1870;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Terrell—

To authorize Mariah Cotton, widow and relict of James W. Cotton, deceased, late of Coosa county, to sell and convey the real and personal property of said decedent;

Which bill was read twice forthwith, under suspension of the constitutional rule;

Mr. Carmichael moved to amend by conferring upon Nancy Crow, widow of W. L. Crow, deceased, authority to sell the lands of said deceased, which lands lie in Dale county;

The amendment was adopted, and thus amended, the bill was referred to the judiciary committee.

By Mr. Pennington—

To enable married women to become free-dealers;

Which bill was read twice forthwith, under suspension of the constitutional rule;

Mr. Cobb moved, to amend, by striking out the words "ten dollars" where they occur in the bill, and inserting in lieu thereof the words "fifty dollars;"

Which amendment, on motion of Mr. Snodgrass, was laid on the table;

On motion of Mr. Hewitt, the bill was indefinitely postponed.

By Mr. Doster—

To exempt certain church property therein named from taxation;

Which bill was read twice, under suspension of the constitutional rule;

Mr. Duskin moved to amend as follows:

"And all property in the city of Mobile owned by the Catholic church, under the jurisdiction of Bishop Quinlan;"

Mr. Hewitt moved to amend the amendment as follows:

"Also, property used exclusively for the support of ministers of the gospel, or the promotion of religion, and spread of religious literature ;"

Mr. Wilson moved to lay the amendment on the table;

Which motion was lost;

Ayes 13, noes 13.

Ayes—Messrs. Black, Carmichael, Coleman, Cunnmgham, Curtis, Doster, Ervin, Harris, Leftwich, Parks, Robinson, Terrell and Wilson—13.

Noes—Messrs. Cobb, Dereen, Duskin, Glass, Haralson, Hewitt, Jones, Martin, Miller, Murphy, Royal, Snodgrass and Walton—13.

The bill and amendments were then referred, to the committee on finance.

By Mr. Dereen—

For the relief of James D. Williford, of Tallapoosa county;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Martin—

For the relief of the sureties of Samuel F. Beall, late tax collector of Tuskaloosa county;

Which bill was read three times, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 13, 1873.
Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows:

For the relief of W. W. Wilkins, late tax collector of Clay county, and sureties on his official bond.

ROBERT BARBER,
Clerk.

RESOLUTIONS.

Mr. Carmichael, with- leave, offered the following resolution,

Which was adopted :

Resolved, That the President of the Senate be and he is hereby authorized and empowered to create by appointment an additional committee for the Senate, to be called the committee on the revision of the laws.

Mr. Pennington, with leave, offered the following resolution;

Which was read, and lies over one day under the rules of the Senate:

Resolved, That hereafter the call of the districts shall only continue one hour, from eleven to twelve o'clock, after which business shall be taken up in the regular order, commencing with the call of standing committees ; and that should the call not be gone through with by twelve o' clock on any day, the call shall commence the next day where it left off the previous day.

HOUSE BILL.

On motion of Mr. Wilson, House bill—

To authorize chancellors of the State of Alabama, and other judicial officers, to solemnize marriages ;

Was taken up ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Ervin, from the committee on finance and taxation, with leave, reported favorably to House bill—

Fixing the rate of taxation in this State ;

Bill was read a third time forthwith, under suspension of the constitutional rule, and passed ;

Ayes 26, noes 3.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Parks, Pennington, Snodgrass, Terrell, Walton and Wilson—26.

Noes—Messrs. Martin, Robinson and Royal—3.

JOINT RESOLUTION.

On motion of Mr. Martin,

Senate joint resolution to provide part payment of expenses by commissioner to Industrial Exposition to Vienna, to represent in due form and style the State of Alabama and its resources, in accordance with the proclamation by the Governor, January 21st, 1873, was taken up.

Joint resolution was read third time, under suspension of the constitutional rule, and passed ;

Ayes 17, noes 10.

Ayes—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Ervin, Hamilton, Harris, Hewitt, Martin, Miller, Snodgrass, Terrell, Walton and Wilson—17.

Noes—Messrs. Carmichael, Curtis, Duskin, Glass, Goodloe, Haralson, Murphy, Parks, Pennington and Royal—10.

On motion of Mr. Martin,

Joint resolution was ordered forthwith to be sent to the House.

Mr. Robinson—

Asked and obtained leave to record his vote in the negative on the joint resolution just passed.

On motion of Mr. Haralson,

The Senate adjourned until 11 o’clock to-morrow.

FRIDAY, February 14, 1873,

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer, of Montgomery.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Terrell, Walton and Wilson—29.

Journal of yesterday was read and approved.

HOUSE BILL.

On motion of Mr. Cunningham, House bill—

For the relief of W. W. Wilkins, late tax collector of Clay county, and the sureties on his official bond,

Was taken up.

Bill was read three times forthwith, under suspension of constitutional rule, and passed ;

Ayes 23, noes 5.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Pennington and Royal—23.

Noes—Messrs. Parks, Robinson, Terrell, Walton and Wilson—5.

Mr. Pennington's resolution relative to the order of business, which was introduced yesterday, was called up by Mr. Hewitt, read and amended by striking out the words from "eleven to twelve o'clock,"

And thus amended, was adopted.

CALL OF DISTRICTS.

On a call of the districts the following bills were introduced :

By Mr. Carmichael—

To provide for declaring married women free dealers,

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Goodloe—

To amend, subdivision No. 10 of section 112 of an act entitled An act to establish revenue laws for the State of Alabama;

By Mr. Martin—

For the relief of Andy J. Tidwell, late tax collector of Fayette county;

Which bills were severally read twice, under suspendsion of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Goodloe—

To enforce section one thousand two hundred and seven (1207) of the Revised Code,

Which bill was read twice, under suspension of the constitutional rule, and. referred to the committee on the judiciary.

By Mr. Murphy—

To authorize the court of county commissioners for the county of Madison, and State of Alabama, to issue new bonds to pay off bonds of said county to fall due ———, 1874, and to levy a special tax to pay the interest on them.

By Mr. Murphy—

To enable the court of county commissioners for Madison county to raise, by taxation, a sinking fund to pay the bonds of said county.

By Mr. Murphy—

To punish the unlawful use of certain money to be raised by the court of county commissioners of Madison county.

Which bills were severally read twice, under suspendsion of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Martin—

To amend section 429 of the Revised Code of Alabama;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on the militia.

By Mr. Terrell—

To amend section 103 of an act entitled An act to establish revenue laws for the State of Alabama, approved. 31st December, 1868;

Which bill was read twice forthwith, under suspension of the constitutional rule;

On motion of Mr. Robinson,

The bill was amended as follows:

“ Provided, That the provisions of this act shall not apply to Chambers county ;”

Thus amended, the bill was referred to the committee on finance and taxation.

By Mr. Pennington—

To create a lien in favor of railroad contractors ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

Mr. Haralson moved to amend as follows :

"Provided, That laborers working under contractors shall be entitled to the benefits of the same lien ;"

Bill and amendment were referred to the committee on internal improvements.

SPECIAL ORDER.

At twelve o' clock the special order set for that hour came up, it being the adverse report of the committee on the judiciary to the bill—

To repeal section two thousand nine hundred and sixty-one of the Revised Code ;

The adverse report of the committee was concurred in.

REPORTS FROM STANDING COMMITTEES.

Senate resumed the consideration of the Senate bill—

To declare and make Lucy R. Tayloe, wife of John William Tayloe, of the county of Hale, a free dealer, with the powers and liabilities of a femme sole;

The question being on Mr. Hamilton's amendment to the bill,

The amendment was lost ;

Ayes 10, noes 19;

Ayes—Messrs. Cobb, Coleman, Cooper, Doster, Ervin, Goodloe, Hamilton, Harris, Terrell and Wilson—10.

Noes—Messrs. Black, Carmichael, Cunningham, Curtis, Dereen, Duskin, Glass, Haralson, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal and Walton—19;

Mr. Robinson offered a substitute for the bill, with title as follows :

To authorize Lucy R. Tayloe of Hale county, to mortgage her separate estate for the purpose of borrowing money ;

The substitute was adopted, and thus amended, bill was read third time forthwith, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 11, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To authorize the commissioners court of Winston county, to levy a special tax to pay the grand and petit jurors.

ROBERT BARBER,
Clerk.

Mr. Doster, from the committee on privileges and elections, reported favorably to Senate bill—

For the relief of Mrs. F. E. Huske, of Perry county ;

The report was concurred in, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with an amendment, to Senate bill—

To prevent the sale of agricultural products in this State between sunset and sunrise, unless the purchaser shall keep a record of the seller, article purchased and price given for the same;

The report was concurred in;

Ayes 18, noes 8;

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Miller, Parks, Royal and Walton—18.

Noes—Messrs. Black, Curtis, Dereen, Haralson, Jones, Murphy, Pennington and Wilson—8;

The amendment was then adopted;

Mr. Haralson offered the following amendment, which, on motion of Mr. Martin, was laid on the table :

Amend by adding an additional section—

SECTION 3. Be it further enacted. That all store houses where any agricultural products are bought shall be closed at sunset, and shall not be opened before sunrise of each day throughout the year, and any person violating any of the provisions of this act shall be fined and punished as provided in section 2, or this act.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 14, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representative has originated and passed a joint resolution, in which the concurrence of the Senate is requested, to be entitled as follows :

To authorize the appointment of a committee of five for purposes therein named.

ROBERT BARBER,
Clerk.

Pending the consideration of bill reported by the committee on privileges and elections,

On motion of Mr. Martin,

The Senate adjourned until 11 o'clock to-morrow.

SATURDAY, February 15, 1873.

The Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Terrell, Walton and Wilson—26.

Journal of yesterday was read and approved.

CALL OF DISTRICTS.

On a call of the districts, the following bill sand memorials were introduced:

By Mr. Haralson—

To amend section 1386 of the Revised Code of Alabama ;

By Mr. Doster—

To authorize Mrs. Rachael Ward, of Elmore county, to collect the debts, and settle up the estate of her deceased husband, E. B. Ward, without administering on his estate;

By Mr. Miller—

To repeal An act to regulate the chancery courts in the fifth district of the southern chancery division of the State of Alabama, approved December 16, 1871.

By Mr. Parks—

To regulate the practice in criminal proceedings in the courts of the notaries public, justices of the peace and in courts of mayors, intendents or recorders in incorporated cities and towns ;

Which bills were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Wilson—

To declare the meaning of an act to extend to the fire companies in the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the tire companies in the city of Mobile, approved March 1, 1870 ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Jones—

For the relief of H. W. Caffey, superintendent of eduication, Lowndes county, Alabama ;

Which bill was read twice, under suspension of the constiutional rule, and referred to the committee on education.

By Mr. Jones—

To establish an election precinct in the county of Lowndes, to be known as Calhoun precinct ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Parks—

To require judges of probate to pay fees and charges to tax collectors out of the redemption money of lands bought by the State ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr Parks—

For the relief of J. L. Davis and M. E. Davis, of Chambers county ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Hamilton—

To amend section 2523 of the Revised Code ;

Which bill was read. three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Dereen—

Joint memorial to Congress asking that payment be made to the owners of cotton unlawfully seized and taken from them by United States treasury agents, or the value of proceeds of such cotton ;

Which was read and adopted.

Leave of absence until Tuesday next, was granted Messrs. Cobb and Curtis.

Leave of absence until Monday next, was granted Mr. Glass.

HOUSE JOINT RESOLUTION.

On motion of Mr. Miller,

House joint resolution to provide a flag staff and national flag for the State capitol,

Was taken up, and was read and adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Ervin, from the committee on finance and taxation, with leave, reported favorably to Senate bill—

To amend section 55 of an act entitled An act to establish revenue laws for the State of Alabama ;

Which report was concurred in ;

Mr. Hewitt offered a substitute for the bill ;

The bill and substitute were recommitted to the committee on finance and taxation.

Mr. Parks, from committee on municipal and county organizations, with leave, reported favorably to Senate bill—

To incorporate the city of Tuskaloosa ;

Bill was read a third time forthwith, under suspension of the constitutional rule, and passed ;

And ordered to be sent forthwith to the House, without being engrossed.

Senate then resumed the consideration of the bill—

To prevent the sale of agricultural products in this State between sunset and sunrise, unless the purchaser shall keep a record of the seller, article purchased and price given for the game ;

Mr. Haralson moved to indefinitely postpone the bill ;

Which motion was lost ;

Mr. Black moved to amend as follows :

By inserting after the words "agricultural products," the words, "or any kinds of merchandize ;"

Which amendment,

On motion of Mr. Robinson,

Was laid on the table ;

Ayes 18, noes 8.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Miller, Parks, Robinson, Terrell and Walton—18.

Noes— Messrs. Black, Curtis, Dereen, Haralson, Jones, Murphy, Pennington and Wilson—8.

Mr. Pennington offered the following amendment :

" That the provisions of this bill shall not apply to the county of Lee ;"

Mr. Wilson offered the following amendment to the amendment :

"Provided that the provisions of this act shall not apply to Montgomery county, or any citizen thereof ;"

On motion of Mr. Cooper,

The amendment and the amendment to the amendment were laid on the table ;

Ayes 16, noes 8 ;

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Parks, Robinson and Walton—16.

Noes—Messrs. Black, Curtis, Haralson, Jones, Murphy, Penning ton, Terrell and Wilson—8.

Mr. Haralson moved to postpone the further consideration of the bill until Wednesday week, at 12 o'clock, and make it a special order for that hour ;

Which motion was lost.

Mr. Black offered the following amendment :

"Provided, That the provisions of this act shall not apply to the city of Eufaula, or the town of Clayton, in Barbour county ;"

Mr. Haralson moved to amend the amendment as follows :

"And shall not apply to the cities of Mobile, Montgomery, and Selma ;"

On motion of Mr. Cooper,

The amendment and the amendment to the amendment were laid on the table ;

Ayes 15, noes 8 ;

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Leftwich, Martin, Parks, Robinson and Walton—15.

Noes—Messrs. Black, Curtis, Haralson, Jones, Murphy, Pennington, Terrell and Wilson—8.

Mr. Jones moved to amend as follows :

"So as not to include the county of Lowndes ;"

Mr. Murphy moved to amend the amendment as follows :

“Provided, further” That the provisions of this act shall not apply to the counties of Marengo and Madison ;"

Pending the consideration of which—

Mr. Cobb moved to adjourn until twelve o'clock Monday ;

Which motion was lost ;

Ayes 11, noes 14 ;

Ayes—Messrs. Black, Cobb, Coleman, Curtis, Dereen, Haralson, Jones, Murphy, Parks, Pennington and Wilson—11.

Noes—Messrs. Carmichael, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Robinson, Terrell and Walton—14.

Mr. Terrell moved to refer the bill and amendments to a select committee of three ;

Mr. Haralson moved to refer them to the committee on the revisions of the laws ;

On motion of Mr. Carmichael,

The motions to refer were laid on the table ;

Ayes 17, noes 9.

Ayes---Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Miller, Parks, Robinson and Walton—17.

Noes—Messrs Black, Curtis, Dereen, Haralson, Jones, Murphy, Pennington, Terrell and Wilson—9.

The quest on recurring on the amendment to the amendment,

On motion of Mr. Cooper,

The amendment and the amendment to the amendment were laid on the table ;

Ayes 16, noes 9 ;

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Miller, Parks, Robinson and Walton—16.

Noes—Messrs. Black, Curtis, Dereen, Haralson, Jones, Murphy, Pennington, Terrell and Wilson—9 ;

Mr. Murphy moved, to adjourn until twelve o'clock Monday ;

Which motion was lost ;

Ayes 8, noes 17 ;

Ayes—Messrs. Black, Curtis, Dereen, Haralson, Jones, Miller, Murphy and Pennington—8.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Parks, Robinson, Terrell, Walton and Wilson—17.

Mr. Pennington moved to amend as follows :

"That the provisions of this act shall not apply to any trader or merchant doing business in the county of Lee under a regular license taken out to do business under existing laws ;"

Mr. Terrell moved to postpone the consideration of the bill and amendment until Monday next at one o'clock, and make it a special order for that hour ;

Which motion, on motion of Mr. Martin,

Was laid on the table ;

Ayes 16, noes 9 ;

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Miller, Parks, Robinson and Walton—16.

Noes—Messrs. Black, Curtis, Dereen, Haralson, Jones, Murphy, Pennington, Terrell and Wilson—9.

Mr. Wilson moved to amend the amendment as follows :

"Provided, The operation of this law shall not apply to any merchant in Montgomery county who has taken out all the necessary licenses to carry on such business ;"

Mr. Pennington moved to adjourn until twelve o'clock Monday ;

Which motion was lost ;

Ayes 11, noes 14 ;

Ayes—Messrs. Black, Curtis, Dereen, Haralson, Jones, Miller, Murphy, Parks, Pennington, Robinson and Wilson—11.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Terrell and Walton—14.

Mr. Terrell moved to refer bill and amendment to a select committee of five ;

Mr. Pennington moved to amend, by making the committee to consist of thirteen ;

On motion of Mr. Martin,

The motion to refer was laid on the table ;

Ayes 14, noes 10 ;

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Ervin, Hamilton, Harris, Hewitt, Leftwich, Martin, Miller, Robinson and Walton—14.

Noes—Messrs. Black, Curtis, Dereen, Haralson, Jones, Murphy, Parks, Pennington, Terrell and. Wilson—10.

Mr. Haralson moved to adjourn until 12 o'clock Monday ;

Which motion was lost ;

Ayes 10, noes 13 ;

Ayes—Messrs. Black, Curtis, Dereen, Haralson, Jones, Miller, Murphy, Pennington, Terrell and Wilson—10.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunning-,ham, Doster, Ervin, Hamilton, Harris, Hewitt, Leftwich, Martin, Robinson and Walton—13.

Leave of absence was granted Mr. Parks.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 15, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills to be entitled as follows :

For the relief of Augustine Schmidt and Robert A. Morgan, of Marengo county ;

To authorize Marian O. Hays. widow of James C. Hays, deceased, to sell certain real estate.

To amend first section of an act entitled An act to fix the times of holding the circuit courts in the third judicial circuit of Alabama, approved December 12, 1871 ;

For the relief of Thomas Wilson, and others, of the county of Jackson.

ROBERT BARBER,
Clerk of the House.

Pending the consideration of the amendment to the amendment to the bill—

To prevent the sale of agricultural products in this State between sunset and sunrise, unless the purchaser shall keep a record of the seller, article purchased and price given for the same ;

With the understanding that Mr. Pennington would be entitled to the floor,

On motion of Mr. Cooper,

The Senate adjourned until 12 o'clock, Monday.

MONDAY, February 17, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Dereen, Driesbach, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Martin, Murphy, Pennington, Terrell, Walton and Wilson—20.

Journal of Saturday was read and approved.

Mr. President laid before the Senate a communication from Miss N. C. Stewart,

Which was referred to the committee on local legislation.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, February 17, 1873.

To the General Assembly of the State, of Alabama :

GENTLEMEN :—I have the honor to call your attention to my message of 3d instant, on the annexation of West Florida, which by your kind permission was withdrawn on the 4th instant.

I now beg leave, most respectfully, to call your attention again to this matter.

I have the honor to be,
Your obedient servant,
DAVID P. LEWIS,
Governor.

Mr. Haralson moved to lay the message on the table and print 150 copies, with the accompanying documents;

Mr. Terrell moved to amend by printing 1000 copies ;

The question being taken on Mr. Terrell's motion ;

It was carried.

Mr. Hamilton, from the committee on the judiciary with leave, reported favorably, with amendment, to Senate bill—

To amend sections 4, 9 and 14 of an act entitled An act in relation to the chancery courts of Alabama.

The report was concurred in, and the amendment adopted.

Bill thus amended,

Was read the third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Dereen,

House bill—

To suspend the operation of section 909 of the Revised Code of Alabama in favor of bona fide holders of claims against the county of Marengo ,

Was taken up,

Bill was read three times forthwith, under suspension of constitutional rule, and passed.

On motion of Mr. Ervin,

House joint resolution—

To authorize the appointment of a committee of five for the purposes therein named,

Was taken up ;

Joint resolution was read three times forthwith, under suspension of the constitutional rule, and passed.

CALL OF THE DISTRICTS.

On a call of the districts the following bills and joint resolutions were introduced :

By Mr. Goodloe—

Joint resolution proposing amendments to the Constitution of the State of Alabama ;

Which joint resolution was read and ordered to a, second reading.

By Mr. Murphy—

To exempt from State and county taxation the property of the Huntsville Agricultural and Mechanical association, of Madison county ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

Mr. Haralson offed the following amendment,

Which was lost :

Provided, That the said association shall pay five hundred dollars for public school purposes.

Mr. Black moved to amend by including the Agricultural and Mechanical association of South-Eastern Alabama ;

Bill and amendment were referred to committee on internal improvements.

By Mr. Murphy—

To authorize the commissioners' court of Madison county to pay a certain claim therein mentioned.

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Martin—

To amend section 9 of an act entitled An act to authortze the commissioners' court of Tuskaloosa county to

build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage, approved December 4, 1871 ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Martin—

To provide for the compensation of coroners in the county of Tuskaloosa ;

Which bill was read twice, forthwith, under suspension of the constitutional rule ;

Mr. Haralson moved to amend by including the county of Dallas ;

Which amendment was accepted ;

Bill thus amended, was read a third time forthwith, under a suspension of the constitutional rule, and passed

By Mr. Martin—

In relation to the fine and forfeiture fund of Tuskaloosa county :

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on judiciary.

By Mr. Pennington—

To authorize the Governor to appoint some qualified person to edit and publish a revised edition of Prof. Tuomey's geological reports of the State ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Black—

To repeal sections 1858, 1859 and 1860 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

Mr. Carmichael moved to amend as follows :

" Provided, That the repeal of said sections shall not be so construed as to interfere with the rights of any one who has already made advances of whatsoever kind under the provisions of said sections ;"

Bill and amendment were referred to committee on the judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 17, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills to be entitled as follows :

To prohibit the wholesale and retail, of spirituous liquors within two miles of the town of Bangor, in Blount county ;

To authorize Lucy R. Tayloe, wife of John W. Tayloe, of Hale county, to mortgage her separate estate for the purpose of borrowing money ;

To prevent the sale of spirituous liquors within one and a half miles of the Alabama and Georgia factory, in Chambers county ;

To require the clerk of the circuit court of Wilcox county to set the causes upon the State docket of his court for trial on particular days ;

For the relief of the sureties of Samuel F. Beall, late tax collector of Tuscaloosa county ;

For the relief of Mrs. F. E. Huske, of Perry county ;

Also, the following joint resolutions :

Requiring the Secretary of State to furnish members of the General Assembly with a copy of the Revised Code, and Acts and Journals of the same, &c ;

To enquire into the condition of the Alabama and Chattanooga railroad company ;

To the Congress of the United States asking an appropriation to complete the work of deepening the channel of navigation in the Bay of Mobile ;

To prohibit the sale, or in any manner disposing of vinous or spirituous liquors within the enclosure of the capitol building, in the city of Montgomery ;

To pay John W. Dereen, Jas. T. Jones, William Miller, jr., and E. W. Martin, contestants in the Marengo and Butler and Conecuh Senatorial contest ;

To authorize David D. Hughes, of DeKalb county, to erect a dam across Big Wills creek, in said county ;

To limit and define the ex-officio fees of the judge of probate, sheriff and circuit clerk, in the counties of DeKalb and Covington ;

To regulate the pay of grand and petit jurors of Covington county.

ROBERT BARBER, Clerk.

By Mr. Jones—

To provide for holding an election for mayor and councilmen in the town of Hayneville, in Lowndes county, in this State ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

REPORTS FROM STANDING COMMITTEES.

Senate resumed the consideration of the bill—

To prevent the sale of agricultural products in this State between sunset and sunrise, unless the purchaser shall keep a record of the seller, article purchased, and price given for the same.

The question being on the amendment to the amendment, the amendment and the amendment to the amendment were, on motion of Mr. Black, laid on the table.

Mr. Robinson offered the following amendment :

"Provided, That the municipal government of any incorporated city or town shall have the power and privilege of relieving any such town or city, or any portion of them, from the provisions of this act for such a period as they may think proper."

Mr. Hewitt moved to amend the amendment by striking out all after the word "provided," and inserting in lieu thereof " the provisions of this act shall not apply to persons doing business in any incorporated city or town, or to persons selling or buying cotton by the bale, or to persons selling or buying at a regular market in such city or town."

Mr. Robinson moved to lay the amendment to the amendment on the table ;

Which motion was lost ;

Ayes 12, noes 14.

Ayes—Messrs. Carmichael, Coleman, Ervin, Goodloe, Haralson, Jones, Leftwich, Parks, Robinson, Royal, Terrell and Walton—12.

Noes—Messrs. Black, Cooper, Cunningham, Dereen, Doster, Driesbach, Glass, Hamilton, Harris, Hewitt, Margin, Murphy, Pennington and Wilson—14.

The amendment to the amendment was then adopted.

Mr. Robinson moved to amend the amendment as amended by striking out the words " incorporated city or town ;"

Which, on motion of Mr. Hewitt, was laid on the table.

Mr. Haralson moved to indefinitely postpone bill and amendment ;

Which motion was lost ;

Ayes 9, noes 17.

Ayes—Messrs. Black, Dereen, Glass, Haralson, Jones, Murphy, Pennington, Royal and Wilson—9.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Driesbach, Ervin, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Martin, Parks, Robinson, Terrell and Walton—17.

Mr. Haralson moved to adjourn until eleven o'clock tomorrow,

Which motion was lost.

The amendment, as amended, was then adopted.

Mr. Wilson moved to strike out the words "all persons whomsoever," where they occur in the bill, and insert in lieu thereof the words, " the sheriffs of their respective counties, or their authorized deputies ;"

Which was lost.

Mr. Haralson moved to amend as follows :

" SECTION 3. Be it further enacted, That the said buyers shall register all names of persons to whom they sell whisky, sugar and coffee ; and any person failing to comply with the provisions of this act are guilty of a misdemeanor, and shall be fined, as provided in section 2 of said act."

Mr. Hewitt moved to refer bill and amendment to committee on the judiciary ;

Mr. Haralson moved to refer to the committee on the revisions of the laws ;

The question was first taken on the motion to refer to the committee on the revisions of laws,

And it was lost ;

The question was then taken on the motion to refer to the committee on the judiciary,

And it was carried.

RESOLUTIONS.

Mr. Goodloe offered the following resolution, which was read and adopted :

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of proposing, amendments to the constitution to make the school system less expensive by abolishing the board of education and county superintendents, and substituting a more economical administration thereof, and report by joint resolution proposing such amendments.

Also, the following resolution :

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of

making a change in our road laws, so as to have the roads worked by taxes, and report by bill or otherwise ;

Mr. Hewitt moved to lay the resolution on the table ;

Which motion was lost ;

Ayes 7, noes .19.

Ayes— Messrs.. Carmichael, Haralson, Hewitt Leftwich, Robinson, Royal and Terrell —7.

Noes—Messrs. Black, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Ervin, Glass, Goodloe, Hamilton, Harris, Jones, Martin, Murphy, Parks, Pennington, Walton and Wilson—19.

The resolution was then adopted.

Also, the following resolution,

Which was read and adopted :

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of abolishing the grand jury laws of the State, and substituting a uniform and safer system, and report by bill, joint resolutons proposing amendments to the constitution, or otherwise.

MEMORIAL.

Mr. Hamilton, with leave, presented a memorial from the mayor, aldermen and common council of the city of Mobile, asking an appropriation for the public hospital of that city ;

Which was referred to the committee on municipal and county organizations.

Mr. Pennington, from the committee on internal improvements, reported a joint memorial to the Congress of the United States for the opening of the Coosa river ;

Which was read and adopted.

Mr. Hamilton, from the committee on the judiciary, reported back the bill—

To repeal in part an act, approved December 16, 1871, entitled an act to re-enact and put in force an act to repeal in part An act to incorporate the Girard Railroad company, approved January 31, 1846 ;

And asked that the committee be discharged from its further consideration, and that it be referred to the committee on internal improvements ;

And it was so referred.

On motion of Mr. Martin,

The Senate adjourned until 11 o'clock to-morrow.

TUESDAY, February 18, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow, of Montgomery.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin, Murphy, Parks, Pennington, Robinson, Royal, Terrell and Walton—25.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills and resolutions were introduced :

By Mr. Terrell—

Resolutions authorizing a committee of five to enquire into certain official bonds of State officers ;

On motion of Mr. Black,

The resolutions were laid on the table ;

Ayes 17, noes 10.

Ayes—Messrs. Black, Carmichael, Cunningham, Curtis, Dereen, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwitch, Murphy, Pennington, Royal and Wilson—17.

Noes—Messrs. Coleman, Cooper, Doster, Driesbach, Ervin, Martin, Parks, Robinson, Terrell and "Walton—10.

By Mr. Terrell—

Bill to relieve the Savannah and Memphis Railroad company from illegal assessment of taxes for the year 1871;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Terrell—

Resolution for the expulsion of the Senator from the 14th Senatorial District of Alabama;

Pending the consideration of which, at 12 o'clock, the special order set for that hour came up, it being—

Bill to continue in force an act entitled an act to re-enact and to amend An act to incorporate the Alabama Savings Bank of Montgomery, approved February 12, 1867, with an amendment to the second section of said act.

Mr. Haralson moved to postpone the consideration of the bill until Thursday, at 12 o'clock m., and make it the special order for that hour, and print one hundred copies for the use of the Senate ;

Mr. Hewitt called for a division of the question ;

The question was first taken on the motion to postpone, and it was carried ;

The question was then taken on the motion to print, and it was lost.

REPORTS FROM STANDING COMMITTEES.

Mr. Doster, from the committee on privileges and elections, reported favorable to Senate bill—

For the relief of J. S. Davis and M. E. Davis, of Chambers county ;

The report was concurred in, and the bill read a third-time forthwith, under suspension of the constitutional rule, and passed ;

Ayes 20, and noes 3;

Ayes—Messrs. Black, Coleman, Cooper, Curtis, Dereen, Doster, Driesbach, Ervin, Goodloe, Hamilton, Haralson, Leftwich, Murphy, Parks, Pennington, Robinson, Royal, Terrell, Walton and Wilson—20.

Noes—Messrs. Cunningham, Hewitt and Martin—3.

Also, from the same committee, a substitute for Senate bill—

To authorize the establishment of a public ferry across the Tallapoosa river, with the following title :

To repeal section 1389 of the Revised Code of Alabama, so far as the same relates to the county of Elmore ;

The report was concurred in, and the substitute adopted.

Bill as amended, was ordered to a third reading.

Also, from the same committee, adversely to Senate bill—

For the relief of Caswell Whittington and, Calvin.

Whittington, of Pike county ;

Which adverse report was not concurred in ;

Various amendments by additional names were offered to the bill ; when,

On motion of Mr. Doster, bill, with amendments, was recommitted to the committee on privileges and elections.

Also, from the same committee, adversely to Senate bill—

To make Caroline Oppenheimer a free dealer ;

Which on motion of Mr. Wilson, was recommitted to the same committee.

Mr. Hamilton, from the committee on the judiciary, reported favorably to the following Senate bills :

To amend section 1833 of the Revised Code ;

To repeal an act entitled an act to repeal An act to authorize writs of garnishments against incorporated cities, &c.

And to. repeal an act entitled an act to repeal An act to authorize writs of garnishment against incorporated cities, towns and villages ;

To repeal an act to regulate the chancery court in the fifth district of the southern chancery division of the State of Alabama, approved December 16, 1871 ;

To amend an act entitled An act to incorporate the Tuskegee Female College, approved February 2, 1854 ;

To empower the register in chancery of the fourth district, in the southern chancery division of Alabama, to make reports of the sales of lands made by a former register ;

Which reports were concurred in, and bills were severally ordered to a third reading.

Also, from the same committee, that the following Senate bills be laid on the table ;

To prevent the carrying of sling shots ;

To repeal section 60 of the Revised Code of Alabama,

The reports were concurred in, and the bills were severally laid on the table.

Also, from the same committee, favorably to Senate bills—

To require the county treasurer of Lauderdale county to pay the fees of county officers in certain cases ;

For the relief of Peter Menefee and Judy Menefee, of Lee county ;

Which reports were concurred in, and the bills severally read the third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, a substitute for Senate bill—

To regulate the holding of special terms of the circuit courts in this State ;

The report was concurred in, and the substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to Senate bill—

To amend section 2335 of the Revised Code of Alabama;

The report and bill were laid on the table.

Also, from the same committee, a substitute for Senate bill—

To confer jurisdiction upon the several probate courts of this State in certain estates therein named, the substitute to be entitled as follows :

To declare the jurisdiction of the probate courts of this State in certain cases of decedents ;

On motion of Mr. Hewitt,

The consideration of the report was postponed until Wednesday, at 12 o'clock, and it was made the special order for that hour.

Also, from the same committee, favorably to Senate bill—

To amend section 3736 of the Revised Code of Alabama;

Which report was concurred in ;

And on motion of Mr. Hewitt,

The further consideration of the bill was postponed until Thursday, at 12 o'clock, and it was made the special order for that hour.

Also, from the same committee, a substitute for Senate bill—

For the relief of the sureties of William Falconer ;

The report was concurred in, and the substitute adopted.

Bill, thus amended, was ordered to a third reading.

Also, from the same committee,-favorably, with amendment, to Senate bill—

To prevent an improper use of firearms ;

Which report was concurred in, and the amendment adopted ;

Thus amended, the bill was ordered to a third reading.

Also, from the same committee, a substitute for Senate bill—

To amend section 2935 of the Revised Code of Alabama ;

The report was concurred in, and the substitute adopted;

Bill, thus amended, was ordered to a third reading.

Also, from the same committee, adversely to Senate bill—

To incorporate the Planter's and Manufacturer's Loan and Trust company, of Woodstock, Alabama ;

The report was concurred in, and the bill indefinitely postponed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 18, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, a

SENATE BILL,

to be entitled as follows :

To provide for holding an election for mayor and councilmen in the town of Hayneville, in Lowndes county, in this State.

Also, the following

HOUSE BILLS :

For the relief of the Alabama Coal and Navigation company ;

To incorporate the town of Tuskegee, in the county of Macon, and for other purposes ;

To compensate Thomas Harrison, late sheriff of Shelby county, for feeding certain prisoners.

ROBERT BARBER,
Clerk.

Mr. Hamilton, from the same committee, reported favorably to Senate bill—

To establish a court of chancery in Crenshaw county ;

Which report was concurred in, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 18, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested,

To be entitled as follows :

To make an appropriation to pay the funeral expenses of the late Hon. Wm. J. Gilmore, deceased.

ROBERT BARBER,
Clerk of the House.

Mr. Hamilton, from the same committee—

Senate bill to fix the time of holding courts in the ninth judicial circuit,

With the recommendation that it be referred to the Senators from said judicial circuit ;

The bill was referred to a select committee, consisting of Messrs. Pennington, Harris, Glass, Robinson and Terrell.

Mr. Carmichael, from committee on enrolled bills, reported as correctly enrolled the following bills :

6. An act to prevent the sale of spirituous liquors within one and a half miles of the Alabama and Georgia Factory, in Chambers county ;

7. An act to require the clerk of the circuit court of Wilcox county to set the causes upon the State docket of his court for trial on particular days ;

8. An act for the relief of Mrs. F. E. Huske, of Perry county ;

9. An act for the relief of the sureties of Samuel F. Beall, late tax collector of Tuskaloosa county ;

10. An act to prohibit the wholesale and retail of spirituous liquors within two miles of the town of Bangor, in Blount county ;

11. An act to authorize Lucy R. Tayloe, wife of John W. Tayloe, of Hale county, to mortgage her separate estate for the purpose of borrowing money ;

12. Joint resolution to pay J. W. Dereen, James T. Jones, William Miller, jr., and E. W. Martin, contestants in the Marengo and Butler and Conecuh Senatorial contest ;

13. Joint resolution to prohibit the sale or in any manner disposing of vinous or spirituous liquors within the enclosures of the capitol building in the city of Montgomery ;

14. Joint resolution to enquire into the condition of the Alabama and Chattanooga railroad company ;

15. Joint memorial to the Congress of the United States, asking an appropriation to complete the work of deepening the channels of navigation in the Bay of Mobile ;

16. An act for the relief of Augustine Schmidt and Robert A. Morgan, of Marengo county ;

17. An act to authorize Marion O. Hays, widow of James C. Hays, deceased, to sell certain real estate ;

18. An act for the relief of Thomas Wilson, and others, of the county of Jackson;

19. An act to amend first section of an act entitled An act to fix the times of holding the circuit courts in the third judicial circuit of Alabama, approved December 12, 1871.

All of which is respectfully submitted.

J. M. CARMICIIAEL, Chairman.

Mr. Hamilton, from the committee on the judiciary, reported favorably, with an amendment, to Senate bill for the protection of sheep ;

The report was concurred in, and the amendment adopted.

Mr. Robinson moved to amend by inserting the words "on minks'" after the word "dog ;"

Mr. Hewitt moved to lay the amendment on the table ;

And the motion was carried.

Mr. Pennington moved to amend as follows :

" That all dogs shall be taxed in the counties where their owners reside ; tax on dogs in the county shall be one dollar, and the tax on all dogs owned by persons residing in incorporated towns and cities shall be two dollars and fifty cents, to be collected as other taxes are collected."

Mr. Hewitt moved to lay the amendment on the table ;

Which motion was lost.

Mr. Pennington, with leave, withdrew his amendment.

Mr. Haralson moved to adjourn ;

Which motion was lost.

Mr. Terrell moved to indefinitely postpone the bill;

Which motion was lost;

Ayes 5, noes 21.

Ayes—Messrs. Martin, Parks, Robinson, Royal and Terrell—5.

Noes—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Murphy, Pennington, Walton and Wilson—21.

Mr. Robinson moved to amend by inserting the word “cur " before " dog" in the bill;

Pending the consideration of which,

On motion of Mr. Terrell,

The Senate adjourned until 11 o'clock to-morrow ;

Ayes 16, noes 9.

Ayes—Messrs. Coleman, Dereen, Doster, Ervin, Glass, Haralson, Jones, Martin, Murphy, Parks, Pennington, Robinson, Royal, Terrell, Walton and Wilson—16.

Noes—Messrs. Black, Carmichael, Cooper, Cunningham, Driesbach, Hamilton, Harris, Hewitt and. Leftwich—9.

WEDNESDAY, February 19, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Stringfellow, of Montgomery.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Ervin, Glass, Goodloe, Hamilton, Harris, Haralson, Hewitt, Jones, Leftwich, Martin, Murphy, Parks, Pennington, Robinson, Royal, Terrell, Walton and Wilson—27.

Journal of yesterday was read and approved.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled the following bill :

An act to provide for holding an election for "mayor and councilmen in the town of Hayneville, in Lowndes county, in this State.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed the following bill and joint memorial:

A bill for the relief of J. S. Davis and M. E. Davis, of Chambers county.

Joint memorial,

To the Congress of the United States for the opening of the Coosa river.

CALL OF THE DISTRICTS.

Mr. Hewitt called for the decision of the chair upon the point of order made by Mr. Haralson on yesterday, that the resolution for the expulsion of the Senator from the 14th Senatorial District of Alabama could not, be introduced on a call of the districts.

The chair sustained the point of order, and decided that the introduction of the resolution was not in order.

On a call of the districts, the following bills were introduced :

By Mr. Royal—

To amend the twelfth and twenty-second sections of an act entitled An act to establish a criminal court for Bullock county, with criminal and civil jurisdiction ;

By Mr. Royal—

To enlarge the powers and duties of the clerk of the criminal court of Bullock county ;

By Mr. Royal—

To regulate the organization of grand juries in Bullock county.

By Mr. Haralson—

For the relief of Mary C. Beach, wife of George F. Beach, of the city of Selma, county of Dallas ;

By Mr. Haralson—

To protect all citizens of the State of Alabama in heir civil rights, and to furnish the means for their vindication ;

By Mr. Duskin—

To amend section 4264 of the Revised Code of Alabama.

By Mr. Hamilton—

To regulate the practice in cases of applications for mandamus in the courts of this State, inferior to the Supreme court ;

Which bills were severally read twice, under suspension of the constitutiona1 rule, and referred to the committee on the judiciary.

By Mr. Curtis—

For the relief of Seaborn A. Edwards, of Perry county, as administrator of the estate of A. M. Mahan.

By Mr. Parks—

To restrict the counties to a certain rate of taxation

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation ;

By Mr. Wilson—

To authorize A. F. Elsbery, the administrator of Julius S. Alford, deceased, to sell the land or parcels of land of said estate at private sale, without making application, proof and obtaining an order of sale, as is usually done ;

Which bill was read twice, under suspension of the constitutional rule, and referred to committee on local legislation.

By Mr. Wilson—

To authorize the legal voters of the city of Gadsden, Etowah county, to elect five aldermen for said city ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed,

By Mr. Wilson—

Declaring Margaret A. Hereford a free dealer ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and. elections.

By Mr. Haralson—

To protect school teachers in their claims ;

Which bill was read three times, under suspension of the constitutional rule, and referred to the committe on education.

By Mr. Hamilton—

To authorize the citty of Mobile to issue bonds ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
February 19, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 18th instant he approved and signed the following bills which originated in the Senate, entitled as follows :

An act for the relief of Thomas Wilson and others, of the county of Jackson ;

An act for the relief of the sureties of Samuel F. Beall, late tax collector of Tuskaloosa county ;

An act for the relief of Augustine Schmidt and Robert A. Morgan, of Marengo county ;

An act to authorize Marian O. Hays, widow of James C. Hays, deceased, to sell certain real estate ;

An act for the relief of Mrs. F. E. Huske, of Perry county ;

An act to amend first section of an act entitled an act to fix the times of holding the circuit courts in the third judicial circuit of Alabama, approved December 12th, 1871 ;

An act to require the clerk of the circuit court of Wilcox county to set the cases upon the State docket of his court for trial on particular days ;

An act to prohibit the wholesale and retail of spirituous liquors within two miles of the town of Bangor, in Blount county ;

An act to prevent the sale of spirituous liquors within one and a half miles of the Alabama and Georgia factory, in Chambers county ;

An act to authorize Lucy B. Tayloe, wife of John W. Tayloe, of Hale county, to mortgage her separate estate for the purpose of borrowing money.

Also, the following

JOINT RESOLUTIONS :

Joint resolution to inquire into the condition of the Alabama and Chattanooga railroad company ;

Joint resolution to pay J. W. Dereen, James T. Jones, Wm. Miller, jr., and C. W. Martin, contestants in the Marengo and Butler and Conecuh senatorial contests ;

Joint resolution to prohibit the sale or in any manner disposing of vinous or spirituous liquors within the enclosures of the capitol building in the city of Montgomery ;

And also a—

JOINT MEMORIAL

To the Congress of the United States, asking an appropriation to complete the work of deepening the channels, of navigation in the bay of Mobile.

Respectfully,

CHAS. J. ATKINSON,
Recording Secretary.

By Mr. Carmichael—

To punish persons for violating their contracts in certain cases ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Haralson moved to indefinitely postpone the bill.

Pending the consideration of which,

The hour of twelve o'clock having arrived,

The Senate proceeded to the consideration of the special order for that hour, it being bill to declare the jurisdiction of the probate courts in this State, in certain estates of decedents ;

Bill was amended, and as amended, was read a third time, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 19, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To amend an act to authorize the Savannah and Albany Railroad company to extend their railroad from the line of Georgia, on the Chattahoochee river, to the city of Mobile, Alabama, and to extend a branch road from Eufaula to Montgomery.

ROBERT BARBER,
Clerk.

REPORTS PROM STANDING COMMITTEES.

The Senate resumed consideration of bill—

For the protection of sheep ;

Mr. Robinson, with leave, withdrew his amendment ;

Bill was ordered to a third reading.

Mr. Hamilton, from the judiciary committee, reported adversely to Senate bills—

To regulate the practice in the courts of probate of the State of Alabama, upon contests for the granting of letters of administration and of guardianship ;

For the support of the State library ;

Which adverse reports were severally concurred in.

Also, from the same committee, favorably to Senate bills—

To authorize the collection of debts for labor and services rendered for the benefit of trust estates;

To amend section 87 of the revenue law of 1868 ;

Which reports were concurred in, and the bills severally ordered to a third reading.

Also, from the same committee, favorably with amendment, to Senate bill—

To allow any person whose property is alleged to have been injured or destroyed under sections 3733, 3734, 3735, 3736 and 3737 of the Revised Code of Alabama, to be a competent witness ;

The report was concurred in, and the amendment adopted ;

Bill, thus amended, was ordered to a third reading.

Also, from the same committee, adversely to Senate bill—

To amend sections 4341 and 4342 of the Revised Code of Alabama ;

Which adverse report was concurred in.

Also, from the same committee, favorably, with an amendment, to Senate bill—

To repeal an act entitled An act to secure complete records in the courts of this State, approved December 10, 1868, so far as the same applies to the counties of Autauga and Elmore ;

Which report was concurred in, and amendments adopted;

Bill thus amended, was ordered to a third reading.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 19, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed a joint resolution, in which the concurrence of the Senate is requested, to be entitled as follows:

Providing servant for judiciary committtee.

ROBERT BARBER,
Clerk.

On motion of Mr. Goodloe,

HOUSE JOINT RESOLUTIO N,

Providing a servant for the judiciary committee, was taken up ;

Mr. Robinson moved to indefinitely postpone the joint resolution ;

Which motion, on motion of Mr. Wilson, was laid on the table ;

Ayes 21, noes 6.

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Murphy, Pennington, Royal, Terrell, Walton and Wilson—21.

Noes—Messrs. Coleman, Cooper, Cunningham, Driesbach, Parks, and Robinson—6.

Joint resolution was then referred to the committee on the judiciary.

Mr. Haralson, from the committee on the judiciary, reported favorably, with amendment, to Senate bill—

To prevent the selling, giving or delivering of any vinous, fermented, or spirituous liquors to persons who are, or who are reputed to be of unsound mind ;

The report was concurred in, and the amendment adopted.

On motion of Mr. Terrell, bill was amended by inserting the word "knowingly," between the words "shall" and "sell," where they occur in the bill ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill—

In relation to the fine and forfeiture fund of Tuskaloosa county ;

The report was concurred in ;

Bill was amended by inserting the counties of Russell, Dallas, Choctaw, Lowndes, Cherokee, Calhoun, Etowah, Barbour, Chambers and Colbert ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

The title of the bill was amended by adding, "and other counties therein named."

Mr Ervin, from committee on finance and taxations, reported favorably to Senate bill, with amendment—

For the relief of Lafayette F. Reid, of the county of Etowah ;

The report was concurred in ;

Ayes 13, noes 5.

Ayes—Messrs. Black, Cooper, Cunningham, Dereen, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Haralson, Jones, Leftwich, Martin, Murphy, Parks, Pennington, Terrell, Walton and Wilson—19.

Noes—Messrs. Coleman, Doster, Hewitt, Robinson and Royal—5.

The amendment was adopted, and bill read a third time, under suspension of the constitutional rule, and passed;

Ayes 17, noes 8.

Ayes—Messrs. Black, Cooper, Cunningham, Dereen, Driesbach, Duskin, Ervin, Goodloe, Jones, Leftwich, Martin, Murphy, Parks, Pennington, Terrell, Walton and Wilson—17.

Noes—Messrs. Carmichael, Coleman, Curtis, Doster, Haralson, Hewitt, Robinson and. Royal—8.

Also, from the same committee, favorably to Senate bill—

To repeal an act entitled An act to pay the board, of equalization of Madison county, approved March 3, 1870;

Which report was concurred in, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the following Senate bills :

To amend section 652 of the Revised Code of Alabama, so far as relates to the county of Choctaw ;

To authorize S. H. McKee, of the county of Choctaw, to redeem certain lands sold for taxes and purchased by the State ;

To authorize B: H. Warren, of Choctaw county, to redeem certain lands sold for taxes and bought by the State :

The reports were concurred in, and the bills severally read the third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, a substitute for Senate bill—

For the relief of Sam'1 Edmonson, county treasurer of Etowah county ;

The report was concurred in, and the substitute adopted;

Bill, thus amended, was ordered to a third reading.

Also, from the same committee, favorably to Senate bill—

For the relief of D. A. Moniac, tax collector of Baldwin county ;

For the relief of the Alabama Central Railroad ;

The reports were concurred in, and the bills severally ordered to a third reading.

On motion of Mr. Coleman,

Bill to make appropriation to defray the funeral expenses of the late Hon. William J. Gilmore, deceased, was taken up ;

Senate concurred in the amendment of the House to the bill.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed :

A bill to regulate the holding of special terms of the circuit courts in this State ;

A bill to establish a court of chancery in Crenshaw county ;

A bill for the relief of Peter Menefee and. Judy Menefee, of Lee county ;

A bill to require the county treasurer of Lauderdale county to pay the fees of county officers in certain cases;

A bill to prevent an improper use of firearms.

A bill to repeal an act entitled An act to repeal an act to authorize writs of garnishment against incorporated cities, &c. ;

A bill to empower the register in chancery of the fourth district, in the Southern Chancery Division of Alabama, to make reports, of the sales of lands made by a former register.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled :

An act to make appropriation to defray the funeral expenses of the late Wm. J. Gilmore, deceased.

Mr. Coleman moved to adjourn ;

Which motion was lost ;

Ayes 9, noes 15 ;

Ayes—Messrs. Coleman, Doster, Glass, Haralson, Harris, Martin, Parks, Robinson and Wilson—9.

Noes—Messrs. Carmichael, Cooper, Cunningham, Curtis, Driesbach, Ervin, Goodloe, Hamilton, Hewitt, Jones, Leftwich, Pennington, Royal, Terrell and Walton—15.

Mr. Ervin, from committee on finance and taxation, reported, favorably to Senate bill—

To compel tax collectors to pay over money promptly ;

Mr. Wilson offered the following amendment,

Which, on motion of Mr. Terrell, was laid on the table :

Provided, The provisions of this act shall not apply to Montgomery county ;

Ayes 18, noes 6.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Murphy, Parks, Pennington, Terrell and Walton—18.

Noes—Messrs. Black, Doster, Haralson, Leftwich, Martin and Wilson—6.

Mr. Wilson moved to postpone the further consideration of the bill until Wednesday next, at 12 o'clock, and make it a special order for that hour ;

Mr. Hewitt moved to order the bill to a third reading, and then make it the special order for Saturday, at 12 o' clock ;

On motion of Mr. Coleman, both motions were laid on the table ;

Mr. Wilson moved to indefinitely postpone the bill ;

Which motion, on motion of Mr. Curtis, was laid on the table ;

Bill was then read the third time, under suspension of the constitutional rule, and passed.

The title of the bill was amended so as to read,

A bill to compel tax collectors to pay over county taxes monthly.

Also, from the same committee, favorably to Senate bill—

For the relief of Lafayette F. Reed, of Etowah county.

The report was concurred in ;

And the bill was read a third time forthwith, under suspension of the constitutional rule, and passed ;

Ayes 17, noes 8 ;

Ayes—Messrs. Black, Cooper, Cunningham, Dereen, Driesbach, Duskin, Ervin, Goodloe, Hewitt, Jones, Leftwich, Martin, Murphy, Parks, Pennington, Terrell, Walton and Wilson—17.

Noes—Messrs. Carmichael, Coleman, Curtis, Doster, Haralson, Hewitt, Robinson and Royal—8.

Also, from same committee, favorably to

Senate joint resolution—

To pay J. W. Jones for work done in repairing furniture in Senate chamber ;

Which report was concurred in.

The joint resolution was amended by striking out the name of "J. W. Jones," where it occurs in the title and body of the joint resolution, and inserting in lieu thereof the name of "J. R. Wing ;"

Thus amended, joint resolution was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee,

Senate bill—

Regulating the charges for transportation of freight upon railroads within this State, with the following resolution, and recommended its adoption :

Be it resolved, That a joint committee of both houses of the General Assembly of Alabama be appointed, two on the part of the Senate and three from the House, and that said committee shall at once invite the representatives of all railroads in this State to meet them in the city of Montgomery, at such time as the committee may fix, and after a full and free discussion of the merits of said bill report their action on the same.

The resolution was adopted.

Mr. Wilson, with leave, introduced bill—

To amend, section 7 of An act to empower the Governor to appoint notaries public, approved August 11, 1868, so far as the same relates to the city of Montgomery ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Pennington, from the committee on internal improvements, reported substitute for Senate bill—

To induce investments of foreign capital in the Chickasaw, Birmingham and Tuscaloosa Railroad companies, bonds and stock, and thereby aid in the developing and utilizing of the mineral resources of the State ;

The report was concurred, in, and the substitute adopted.

Mr. Robinson moved to postpone the further consideration of the bill until 12 o'clock to-morrow, and make it a special order for that hour.

Mr. Hewitt moved to make it a special order for Saturday, 12 o'clock, and print one hundred copies of the bill for the use of the Senate ;

The question being first taken on Mr. Hewitt's motion,

It was carried.

Mr. Pennington, from the same committee, reported favorably to Senate bill—

For the encouragement and promotion of manufacturing, and the industrial and mechanical arts within the State of Alabama, and to confer upon those engaged in such pursuits certain privileges specified in said act ;

The report was concurred in.

On motion of Mr. Duskin,

The further consideration of the bill was postponed until next Tuesday, at 12 o'clock, and it was made the special order for that hour, and one hundred and fifty copies of the bill were ordered printed for the use of the General Assembly ;

Also, from the same committee, adversely to Senate bills—

To lend the credit of the State of Alabama to the Selma, Marion and Memphis Railroad company, for the purpose of extending the construction of its railroad within this State ;

To amend an act in relation to the issue of county bonds in aid of any railroad in this State ;

Which adverse reports were severally concurred in,

Also, from the same committee, favorably to Senate bill—

To repeal in part an act approved December 16, 1871, entitled An act to re-enact and put in force an act to re-

peal in part an act to incorporate the Girard Railroad company, approved January 31, 1846 ;

The report was concurred in ;

And bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Ayes 21, noes 4.

Ayes—Messrs. Black, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Murphy, Parks, Pennington, Terrell and Wilson—21.

Noes—Messrs Carmichael, Martin, Royal and Walton—4.

On motion of Mr. Coleman,

Resolved, That the closet on the east side of the Senate chamber be discontinued for the purpose for which it is now used.

On motion of Mr. Robinson,

Senate adjourned until 11 o'clock to-morrow.

THURSDAY, February 20, 1873.

Senate mot pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Dereen, Doster, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—28.

Journal of yesterday was read and approved.

Mr. Pennington moved to suspend the regular order of business for the purpose of proceeding to the election of a journal clerk ;

Which motion was lost ;

Ayes 18, noes 9 ;

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Doster, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin, Miller, Murphy, Pennington Walton and Wilson—18.

Noes—Messrs. Coleman, Cooper, Cunningham, Driesbach, Parks, Robinson, Royal, Snodgrass and Terrell—9.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 20, 1873.

Mr. President:

I am directed, to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To confer upon the several chancery courts of this State power to declare married women free dealers ;

To confer jurisdiction upon the chancery courts of the State to relieve minors over eighteen years of age from the disabilites of non-age ;

To require the probate judges of this State to keep record hook, in which shall be entered all licenses issue by them under the revenue laws of the State ;

To amend section thirty-three hundred and twenty-six of the Revised Code of Alabama.

ROBERT BARBER,
Clerk of the House.

CALL OF DISTRICTS.

On a call of the districts, Senate resumed the consideration of bill—

To punish persons for violating their contracts, in certain cases :

The question being on the motion to indefinitely postpone the bill ;

Mr. Haralson, with leave, withdrew the motion.

Mr. Pennington moved to amend the title so as to read ;

"An act the more effectually to enable landed proprietors to swindle laborers ;"

Which amendment, on motion of Mr. Cooper, was laid on the table ;

Ayes 21, noes 9 ;

Ayes—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Doster, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Martin, Miller, Parks, Robinson, Snodgrass, Terrell and Walton—21.

Noes—Messrs. Curtis, Dereen, Haralson, Jones, Leftwich, Murphy, Pennington, Royal and Wilson—9.

Bill was then referred to committee on the judiciary.

Mr. Carmichael introduced bill—

To provide for the payment of the present indebtedness of the county of Dale ;

Bill was read twice, under suspension of the constitutional rule, and referred to a special committee, consisting of Messrs. Doster, Duskin and Robinson.

REPORT FROM SELECT COMMITTEE.

Mr. Hewitt, from select committee, with leave, reported substitute for joint resolution—

To provide for paying the expenses incurred by the Senate select committee in investigating the condition and management of the Alabama and Chattanooga Railroad at the session of 1871-72 ;

The report was concurred in, and the substitute adopted ;

Joint resolution, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 20, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To prescribe the time of holding the courts in the tenth judicial circuit.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, February 20, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 19th instant he approved and signed a bill which originated in the Senate, entitled—

An act to provide for holding an election for may or and councilmen in the town of Hayneville, in Lowndes. county, in this State.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

FEDERAL RELATIONS.

Mr. Duskin, from the committee on Federal relations, with leave, reported favorably to Senate bill—

To amend section two of an act entitled An act to incorporate the Mechanic's Savings company, of Mobile ;

The report was concurred in ;

Ayes 22, noes 7.

Ayes—Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Miller, Pennington, Royal, Snodgrass, and Terrell — 22.

Noes— Messrs.. Coleman, Hewitt, Martin, Murphy, Parks, Walton and Wilson—7.

Bill was then made a special order for twelve o'clock to-day, being third special order for that hour:.

SPECIAL ORDER.

At twelve o'clock the first special order set format hour came up, it being Senate bill—

To continue in force an act entitled An act to re-enact and to amend an act to incorporate the Alabama Savings Bank of Montgomery, approved February 12, 1867, with an amendment to second section of said act ;

The question being on the amendment reported by the committee, the amendment was adopted.

Mr. Hewitt moved to amend as follows :

Provided, That the certificates of deposit mentioned in the provisions of this act shall not be circulated outside of the limits of the county of Montgomery ; and if any certificate of deposit mentioned in said bill is permitted by said corporation to be circulated contrary to the provisions of this proviso, such corporation shall forfeit its charter.

On motion of Mr. Pennington,

The amendment was laid on the table ;

Ayes 19, noes 7.

Ayes—Messrs. Carmichael, Cooper, Curtis, Dereen, Doster, Driesbach, Duskin, Goodloe, Hamilton, Haralson, Harris, Leftwich, Miller, Murphy, Pennington, Royal, Snodgrass, Terrell and Walton—19.

Noes—Messrs. Coleman, Cunningham, Ervin, Hewitt, Martin, Parks and Wilson—7.

Mr. Martin moved, to indefinitely postpone the bill ;

Which motion, on motion of Mr. Terrell—

Was laid on the table ;

Ayes 19, noes 8 ;

Ayes—Messrs. Black, Carmichael, Cooper, Curtis, Dereen, Doster, Duskin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Miller, Murphy, Pennington, Royal, Snodgrass and Terrell—19.

Noes—Messrs. Coleman, Cunningham, Driesbach, Ervin, Martin, Parks, Walton and Wilson—8.

Mr. Wilson offered the following amendment :

Provided, That the stockholders of said. bank shall deposit with the commissioners' court of Montgomery county twenty-five thousand dollars in United States currency, or of the bonds of said county, as protection to the holders of the certificates of deposit.

On motion of Mr. Haralson,

The amendment was laid on the table ;

Ayes 23, noes 5 ;

Ayes—Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Pennington, Royal, Snodgrass and Terrell —23.

Noes—Messrs. Coleman, Martin, Parks, Walton and Wilson—5.

Mr. Parks moved to amend as follows :

Provided, That all notes or certificates issued, by said corporation as money, shall be at all times redeemable in gold or silver.

On motion of Mr. Haralson,

The amendment was laid on the table ;

Ayes 23, noes 5.

Ayes—Messrs. Black, Carmichael, Cooper, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Pennington, Royal, Snodgrass, Terrell and Walton—23.

Noes—Messrs. Coleman, Cunningham, Martin, Parks, and Wilson—5.

Mr. Pennington moved, to suspend the constitutional rule, so as to give the bill a third reading forthwith ;

Which motion was lost ;

Ayes 9, noes 19.

Ayes—Messrs. Cooper, Cunningham, Dereen, Goodloe, Hamilton, Haralson, Murphy, Pennington and Royal—9.

Noes—Messrs. Black, Carmichael, Coleman, Curtis, Doster, Ervin, Driesbach, Duskin, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Parks, Snodgrass, Terrell, Walton and Wilson—19.

Mr. Martin offered the following amendment:

Provided, That the certificates of deposit herein provided for shall not be issued by said corporation except for deposit of legal currency actually made with said company by depositors.

Mr Hewitt moved to amend the amendment as follows :

Provided, Before this act shall go into effect, said corporation shall make arrangements to have its certificates, of deposit redeemed in the cities of Huntsville, Birmingham, Tuskaloosa, Eutaw, Mobile, Selma, Talladega and Eufaula ;

On motion of Mr. Pennington,

The amendment to the amendment was laid on the table ;

Ayes 16, noes 10.

Ayes—Messrs. Cooper, Dereen, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Martin, Miller, Murphy, Pennington, Royal, Snodgrass, Terrell and Walton—16.

Noes—Messrs. Black, Carmichael, Coleman, Doster, Driesbach, Harris, Hewitt, Jones, Parks and Wilson—10.

The amendment was then adopted ;

On motion of Mr. Pennington,

The bill was ordered to a third reading, at half-past twelve o'clock to-morrow ;

Ayes 25, noes 5.

Ayes— Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Royal, Snodgrass, Terrell and Walton—25.

Noes—Messrs. Black, Hewitt, Jones, Robinson and Wilson—5.

Mr. Hewitt moved to take a recess until half past seven o'clock this evening ;

On motion of Mr. Haralson,

The motion was laid on the table ;

Ayes 22, noes 7.

Ayes—Messrs. Black, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Hamilton, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Parks, Pennington, Robinson, Royal and Terrell—23 ;

Noes—Messrs. Carmichael, Goodloe, Hewitt, Martin, Snodgrass, Walton and Wilson—7.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed—

A bill for the relief of Lafayette F. Reed, of Etowah county ;

A bill to repeal an act entitled An act to pay the board of equalization of Madison county ;

A bill to prevent the selling or giving of spirituous liquors to persons of unsound mind ;

Joint resolution to pay J. R. Wing for work done in Senate chamber ;

A bill to compel the tax collector to pay over county taxes monthly ;

A bill to amend section 2925 of the Revised Code of Alabama ;

A bill to amend section 1833 of the Revised Code ;

A bill to repeal an act to regulate the chancery courts in the fifth district of the southern chancery division of the State of Alabama ;

A bill to amend an act entitled An-act to incorporate the Tuskegee Female college ;

A bill to authorize G. H. McKee, of the county of Choctaw, to redeem certain lands sold for taxes and purchased by the State :

A bill in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named.

A bill to repeal in part an act approved December 16, 1871, entitled An act to re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad company ;

A. bill to authorize B. H. Warren, of Choctaw county, to redeem certain lands sold for taxes, and purchased by the State ;

A bill to amend section 653 of the Revised Code of Alabama, so far as it relates the county of Choctaw.

SECOND SPECIAL ORDER.

The Senate then proceeded to the consideration of the second special order for twelve o' clock, it being Senate bill—

To amend section 3736 of the Revised Code of Alabama ;

On motion of Mr. Hewitt,

The bill was read a third time, under suspension of the constitutional rule.

Leave of absence until Monday, was granted Mr. Terrell.

Pending the consideration of the special order,

On motion of Mr. Parks,

The Senate adjourned until 11 o'clock, to-morrow;

Ayes 15, noes 11.

Ayes—Messrs. Coleman, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Haralson, Harris, Martin, Miller, Murphy, Parks and Walton—15.

Noes—Messrs. Carmichael, Cooper, Cunningham, Goodloe, Hamilton, Hewitt, Leftwich, Robinson, Snodgrass, Terrell and Wilson—11.

FRIDAY, February 31, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—27.

Journal of yesterday was read and approved.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

Joint resolution to provide for paying the expenses incurred by the Senate select committee at the session of 1871-72 in investigating the condition and management of the Alabama and Chattanooga Railroad.

JUDICIARY COMMITTEE.

With leave, Mr. Hamilton, from the judiciary committee, reported favorably, with amendments, to Senate bill—

To define and regulate property exempted from sale under legal process or administration for the payment of debts ;

On motion of Mr. Hamilton,

The further consideration of the report and bill was postponed until Wednesday next at 12 o'clock, and they were made a special order for that hour, and two hundred copies of the bill were ordered printed for the use of the General Assembly.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills and joint resolutions were introduced:

By Mr. Goodloe—

To provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties ;

By Mr. Goodloe—

To prevent the wanton destruction of fish in the State of Alabama ;

By Mr. Robinson—

To protect the public bridge over the Ocillegee creek, in Chambers county ;

By Mr. Duskin—

To amend section four and section seven of an act entitled An act to incorporate the A1a,bama Mining and Manufacturing company, approved February 19, 1867 ;

By Mr. Cunningham—

Joint resolution providing for the appointment of a committee consisting of two on the part of the Senate and three on the part of the House, to examine and report on the condition of all the railroads which have received aid from the State ;

Which bills and joint resolutions were severally read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Hewitt—

To require the Governor to appoint two commissioners to examine and audit certain claims against the State therein mentioned ;

By Mr. Robinson—

To amend sections 1537, 1538, 1539, 1540 and 1541 of the Revised Code of Alabama ;

By Mr. Robinson—

To prevent the execution of fraudulent conveyances of property in this State ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Snodgrass—

For the relief of tax payers of the county of DeKalb;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Royal—

For the protection of agricultural laborers ;

Which bill was read twice, under suspension of the constitutional rule, and referred to committee on the revision of the laws.

By Mr. Haralson—

To amend section two of an act entitled An act to incorporate the Selma Savings association ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on federal relations.

By Mr. Robinson—

To require the judges of the circuit courts and chancellors to alternate in holding the courts of this State ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Hewitt moved the indefinite postponement of the bill ;

On motion of Mr. Robinson,

The resolution was laid on the table ;

Ayes 19, noes 9 ;

Ayes—Messrs. Black, Carmichael, Coleman, Cunningham, Curtis, Doster, Driesbach, Duskin, Goodloe, Harris, Leftwich, Miller, Parks, Pennington, Robinson, Royal Snodgrass, Walton and Wilson—19.

Noes—Messrs. Cooper, Dereen, Ervin, Hamilton, Haralson, Hewitt, Jones, Martin and Murphy—9.

The bill was then referred to the committee on the judiciary.

By Mr. Robinson—

To ratify certain acts, judgments, and other proceedings therein mentioned ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Haralson moved to indefinitely postpone the bill ;

On motion of Mr. Robinson,

The motion was laid on the table ;

Bill was then referred to the committee on the judiciary.

By Mr. Pennington—

To repeal an act to prevent the selling of vinous liquors within one mile of Soule chapel, in the county of Chambers ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Goodloe—

Supplementary to an act to incorporate the city of Tuscumbia, approved December 14, 1865 ;

Which bill was read three times forthwith, under suspension of the constitutional rate, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 21, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

For the relief of Simeon Maxwell Brown, of Greene county, of the disabilities of non-age ;

For the relief of Frank P. Jarvis of the disabilities of non-age ;

For the relief of Mrs. Eliza Belt, administratrix of the estate of Thomas W. Belt, deceased, and to enable her to sell lands ;

To pay certain witnesses in the contested election cases in Marengo county :

And ordered the same to be sent forthwith to the Senate, without engrossing ;

To amend an act to establish court of law and equity at Courtland.

ROBERT BARBER,
Clerk.

Mr. Martin, with leave, offerred the following resolution,

Which lies over one day under the rules of the Senate:

Resolved, That the following be adopted as one of the rules of the Senate of Alabama : That at the close of the second hour of the morning session, the order of business shall be the consideration of bills upon their third reading, and that one hour's time, or so much thereof as may be necessary, shall be devoted to that purpose.

On motion of Mr. Pennington,

Resolved, That the President of the Senate be requested to appoint a committee of three to examine the bills in the hands of the Auditor incurred in the burial of the re-

mains of the Hons. Wm. J. Gilmore and N. L. Whitfield, deceased, and that if in the opinion of the said committee additional legislation is necessary ; they be directed to report a joint resolution, and that Senators Coleman, Duskin and Martin be appointed said committee.

JOINT RESOLUTION.

Mr. Robinson offered joint resolution :

Providing for the adjournment of the General Assembly ;

The consideration of which was postponed until tomorrow at 12 o'clock, and it was made a special order for that hour.

Mr. Hewitt offered the following resolution,

Which was adopted :

Be it resolved by the Senate, That the committee on printing be requested to report back to the Senate a bill entitled An act to economize the public printing, before Tuesday next, at one o'clock, and said bill is hereby made the special order for that hour.

SPECIAL ORDER.

The hour of 12 having arrived,

The Senate proceeded to the consideration of the first special order of that hour,

It being Senate bill—

To amend section 3736 of the Revised Code of Alabama;

The question being on its passage,

The bill was passed.

The hour 12½ o'clock having arrived,

The special order for that hour was taken up,

It being Senate bill—

To continue in force an act entitled An act to re-enact and to amend an act to incorporate the Alabama Savings bank, of Montgomery, approved February 12, 1867, with an amendment to second section of said act ;

Mr. Hewitt moved to re-commit the bill to the committee on federal relations ;

Mr. Parks moved to indefinitely postpone the bill ;

The question being first taken on the motion to indefinitely postpone the bill ;

It was lost ;

Ayes 10, noes 18.

Ayes—Messrs. Black, Carmichael, Coleman, Doster, Harris, Hewitt, Parks, Robinson, Walton and Wilson —10.

Noes—Messrs. Cooper, Curtis, Dereen, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Jones, Leftwich, Martin, Miller, Murphy, Pennington, Royal and Snodgrass—18.

The motion to recommit was then carried.

Senate then took up the second special order for twelve o' clock,

It being Senate bill—

To amend section two of an act entitled An act to incorporate the Mechanics' Savings company, of Mobile;

Mr. Hewitt moved to amend as follows :

Provided, That the the certificates of deposit mentioned in the provisions of this act shall not circulate outside of Mobile county ; and if any certificate of deposit mentioned in said act is permitted by said corporation to be circulated contrary to the provisions of this proviso, such corporation shall forfeit its charter ;

Mr. Hamilton moved to lay the amendment on the table;

Which motion was lost ;

On motion of Mr. Martin,

The bill and amendments were re-committed to the committee on federal relations.

Leave of absence until Monday was granted Messrs. Pennington, Glass, Haralson and Parks.

Leave of absence for eight days was granted Mr. Cooper.

On motion of Mr. Dereen,

HOUSE BILL

To pay certain witnesses in the contested election cases in Marengo county,

Was taken up ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Win leave. Mr. Parks, from the committee on municipal and county organization, reported favorably to Senate bill—

To declare the meaning of an act to extend to the fire companies of the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1, 1870.

On motion of Mr. Martin,

The further consideration of the bill was postponed until Monday next at 12 o'clock, and it was made the special order for that hour.

RESOLUTION.

Mr. Dereen offered the following resolution,

Which was adopted:

WHEREAS, The 22d of February is the anniversary of the birth of George Washington, and whereas said day is held throughout the United States as a national holiday; therefore,

Resolved, That when the Senate adjourn, it adjourn till Monday 12 o'clock m,

With leave, Mr. Parks, from the committee on municipal and county organizations, reported favorably, with amendment to

Senate bill—

To make the fees of the late sheriff of Dallas county payable out of the general fund of said county;

The report was concurred in, and the amendment adopted.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 21, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows:

To establish a city court for the county of Lee.

ROBERT BARBER,
Clerk of the House.

MESSAGE PROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, Feb. 21, 1873.

Mr. President:

I am directed by the Governor to inform the Senate, that he has this day approved and signed a bill, which originated in the Senate, entitled:

An act to make appropriation to defray the funeral! expenses of the late Hon. W. J. Gilmore, deceased.

Respectfully,

C. J. ATKINSON,

Recording Secretary.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled :

Joint resolution requiring the Secretary of State to furnish members of the General Assembly with a copy of the Revised Code, and Acts and Journals of the same, &c:

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to repeal an act to prevent the selling of vinous or spirituous liquors within one mile of Soule chapel, in the county of Chambers.

On motion of Mr. Martin,

Senate adjourned until 12 o'clock Monday.

MONDAY, February 24, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Coleman, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Jones, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass and Walton—25.

Journal of Friday was read and approved.

SPECIAL ORDER.

At twelve o' clock the special order set for that hour came up, it, being Senate bill—

To declare the meaning of An act to extend to the fire companies in the city of Montgomery, the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1st, 1870 ;

The report of the committee was concurred in, and, bill read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Goodloe,

Senate joint resolution—

Proposing amendments to the Constitution of the State of Alabama,

Was taken up ;

Joint resolution was read a second time, and referred to the committee on the judiciary.

JUDICIARY COMMITTEE.

With leave, Mr. Hamilton, from the committee on the judiciary, reported favorably to House joint resolution—

Providing servant for judiciary committee ;

The report was concurred in, and joint resolution read. a third time, under suspension of the constitutional rule,, and passed.

Ayes 14, noes 11.

Ayes—Messrs. Black, Curtis, Dereen, Ervin, Glass, Hamilton, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington and Wilson—14.

Noes—Messrs. Carmichael, Coleman, Cunningham,. Driesbach, Edwards, Martin, Parks, Robinson, Royal, Snodgrass and Walton—11.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 24, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To pay William Murphy, a witness in contested election cases from Marengo county ;

To maintain the credit of Alabama.

ROBERT BARBER,
Clerk.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, February 24, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that on the 21st instant he approved and signed a joint resolution originating in the Senate, entitled :

JOINT RESOLUTION

Requiring the Secretary of State to furnish members of the General Assembly with a copy of the Revised Code, and Acts and Journals of the same, &c.

Respectfully,

CHAS. J. ATKINSON,

Recording Secretary.

SPECIAL ORDER.

At 12 o'clock the second special order set for that hour came up, it being Senate joint resolution—

Providing for the adjournment of the General Assembly ;

The joint resolution was adopted,

And ordered forthwith to the House ;

Ayes 14, noes 11 ;

Ayes—Messrs. Black, Carmichael, Coleman, Cunningham, Driesbach, Edwards, Martin, Miller, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—14.

Noes—Messrs. Curtis, Dereen, Duskin, Glass, Hamilton, Haralson, Harris, Jones, Leftwich, Murphy and Parks—11.

REGULAR ORDER SUSPENDED.

On motion of Mr. Cunningham—

The regular order was suspended to take up House messages.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To maintain the credit of Alabama ;

Was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation, with instructions to report the same back tomorrow, immediately after the reading of the journal;

And the bill was made the special order for that hour.

HOUSE BILLS

To require the commissioners' court of Barbour county to furnish treasurer with an office in court house ;

To authorize and empower John W. Leslie, judge of probate of Monroe county, to exercise jurisdiction over the estate of James M. Davison, sr., deceased, notwithstanding his relationship to the deceased,

Were severally read. three times forthwith, under suspension of the constitutional rule, and passed.

HOUSE BILLS

To incorporate the town of Alabama Furnace, in the county of Talladega, approved August 11, 1868 ;

To amend an act to incorporate the town of Munford, in the county of Talladega, approved August 11, 1868 ;

To prohibit the sale or otherwise disposing of any spirituous liquors within two miles of the Baptist church, located at Arkadelphia, Walker county ;

To authorize the commissioners' court of Winston county to levy a special tax to pay the grand and petit jurors;

To regulate the pay of grand and petit jurors, of Covington county ;

To incorporate the town of Tuskegee, in the county of Macon, and for other purposes ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

HOUSE BILLS

To authorize David D. Hughes, of DeKalb county, to erect a dam across Big Wills creek, in said county ;

For the relief of the Alabama Coal and Navigation company ;

To amend an act to authorize the Savannah and Albany Railroad company to extend their railroad from the line of Georgia, on the Chattahoochee river, to the city of Mobile, Alabama, and to extend a branch road from Eufaula to Montgomery ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

HOUSE BILLS

To confer upon the several chancery courts of this State, power to declare married women free dealers ;

To confer jurisdiction upon the chancery courts of the State to relieve minors over eighteen years of age from the disabilities of non-age ;

For the relief of Simeon Maxwell Brown, of Greene county, of the disabilities of non-age ;

For the relief of Frank P. Jarvis, from the disabilities of non-age ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

HOUSE BILLS

To amend section 3326 of the Revised Code of Alabama ;

To require the probate judges of this State to keep a record book, in which shall be entered all licenses issued by them under the revenue laws of this State ;

For the relief of Mrs. Eliza Belt, administratrix of the estate of Thomas W. Belt, and to enable her to sell lands ;

To amend sections fourteen, sixteen and seventeen of an act entitled An act to establish an inferior court of record in the town of Courtland, Alabama, approved January 2, 1873 ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

HOUSE BILLS

To limit and define the ex-officio fees of the judge of probate, sheriff, and circuit clerks in the counties of De-Kalb and Covington ;

To compensate Thomas Harrison, late sheriff of Shelby county, for feeding certain prisoners ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

HOUSE BILL

To provide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama ;

Was read three times forthwith, under suspension of the constitutional rule, and passed ;

Ayes 23, noes 3.

Ayes— Messrs. Black, Coleman, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Hamilton, Haralson, Harris, Jones, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Royal, Snodgrass, Walton and Wilson—23.

Noes—Messrs. Carmichael, Glass and Robinson—3.

HOUSE BILL

To prohibit the keeping, sale, gift, or use of spirituous or malt liquors within the capitol building, and upon the; capitol grounds ;

Was read twice, under suspension of the constitutional rule, and laid on the table.

HOUSE BILL

To prescribe the time of holding the courts in the tenth (10) judical circuit ;

Was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Cobb, Cunningham and Terrell.

House bill—

To establish a city court for the county of Lee ;

Was read the first time and laid on the table.

House bill—

To prohibit the selling, giving away, or other disposition of spirituous, vinous, or intoxicating liquors, within two miles of Concord church, in Randolph county ;

Was read twice, under suspension of the constitutional rule, and ordered to a third reading.

House bill—

To pay Wm. Murphy, witness in contested election cases from Marengo county,

Was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation .

House joint resolution—

Authorizing and requesting the committee on public institutions, &c.,

Was read and adopted.

House joint resolution—

Providing for the appointment of a joint committee,

Was, on motion of Mr. Haralson, indefinitely postponed.

House joint resolution—

For the appointment of committee, &c.,

Was read and referred to the committee on education.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 24, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate joint resolution, to be entitled as follows :

Authorizing payment for public printing done for the separate organizations of the General Assembly, prior to the reorganization under the plan proposed by the Attorney General of the United States.

ROBERT BARBER,
Clerk of the House.

SPECIAL ORDER.

Senate then proceeded to the consideration of the third special order for 12 o'clock ;

It being Senate bill—

To induce investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad company's bonds, and stock, and thereby aid in the developing and utilizing of the mineral resources of the State ;

Mr. Haralson offered the following amendment, which was accepted :

Provided, That all persons paying the same fare on said road, shall receive the same accommodation ;

Mr. Carmichael moved to amend as follows :

Provided, That all the provisions of this act are hereby made applicable to the Southeastern Alabama Railroad company ;

Mr. Duskin moved to amend the amendment as follows:

After the word "fee" in the sixth line, printed copy of the bill, of section one, add the words "for the term of ten years" ;

The amendment to the amendment was adopted ;

On motion of Mr. Hamilton,

Bill as amended, with the amendment as amended, was recommitted to the committee on internal improvements.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 24, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows:

To compromise a certain suit pending against the State of Alabama.

ROBERT BARBER,
Clerk.

House bill—

For the relief of Mrs. Mary Ann Hook, of Pike county,

Was read a third, time and passed.

BILLS INTRODUCED.

The following bills were introduced:

By Mr. Edwards—

To repeal an act to prohibit the sale, making, or giving away of spirituous, vinous or malt liquors, within one mile of the school house located at Walnut Grove, Etowah county ;

By Mr. Edwards—

To prohibit the sale, making, or giving away of spirituous, vinous, or malt liquors, within one mile of the Baptist church located at Walnut Grove, Etowah county ;

By Mr. Edwards—

To regulate the publication of legal notices and advertisements ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Edwards—

To authorize the removal of the administration of Edward Gaut from the county of Talladega to the county of Montgomery,

By Mr. Duskin—

To provide for making non-resident heirs parties defendants when the ancestor dies while a suit is pending against him in a court of law, for the recovery of real estate, and for their protection in such cases ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Curtis—

To prohibit tax collectors from receiving State warrants for taxes ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Edwards—

To amend the charter of the town of Decatur, in Morgan county ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Martin—

A joint resolution for the relief of the administrator of the estate of Newton L. Whitfield, deceased ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

On motion of Mr. Haralson,

The Senate adjourned until 11 o'clock to-morrow.

TUESDAY, February 28, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Armstrong.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Martin, Murphy, Parks, Pennington, Robinson, Royal, and Snodgrass—25.

Journal of yesterday was read and approved.

HOUSE BILL.

On motion of Mr. Martin, House bill—

To compromise a certain suit pending against the State of Alabama, was taken up ;

Bill was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

Mr. Haralson offered the following resolution :

Resolved, That the Secretary of the Senate be and he is hereby authorized and empowered to let to hire all printing ordered printed to any of the printers in the city of Montgomery, until otherwise ordered by this Senate.

On motion of Mr. Black,

The resolution was laid on the table ;

Ayes 14, noes 10.

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Jones, Miller, Murphy, Pennington, and Royal—14.

Noes—Messrs. Cobb, Coleman, Hamilton, Haralson, Hewitt, Leftwich, Martin, Parks, Robinson and Snodgrass—10.

REPORTS FROM SELECT COMMITTEES.

Mr. Duskin, from select committee, reported favorably to Senate bill—

To provide for the payment of the present indebtedness of the county of Dale ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Hewitt, from the select committee, reported favorably to Senate bill—

Explanatory of the corporation laws of Alabama ;

The report was concurred in, and the bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Cobb, from select committee, reported favorably to House bill—

To prescribe the time of holding the courts in the tenth judicial circuit;

The report was concurred in, and the bill read a third time, under suspension of the constitutional rule, and passed.

STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary, reported substitute for Senate bill—

For the relief of Mary C. Beach, wife of George F. Beach, of Dallas county ;

The report was concurred in, and the substitute adopted.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendments, to Senate bill—

To regulate the rate of interest in this State ;

The report was concurred in ;

Mr. Martin offered the following amendment to the amendment:

Strike out "15" where it occurs in the amendment, and insert "10;"

On motion of Mr. Parks,

The further consideration of the bill and amendment was postponed until Thursday at 12 o'clock, and made special order for that hour.

Mr. Cobb, from the same committee, substitute for Senate bill—

To prohibit the dealing in State claims by public officers, to be entitled bill to prohibit public officers of the State from dealing in State claims ;

The report was concurred in, and substitute adopted ;

Bill, thus amended, was ordered to a third reading.

Mr. Hamilton, from the same committee, adversely to Senate bill—

To repeal all usury laws in the State of Alabama ;

The adverse report was concurred in, and the bill laid on the table.

Mr. Cobb, from the committee on federal relations, to which was referred the memorial of the national board of trade addressed to the honorable legislature of Alabama, reported bill—

To repeal the inspection laws of this State ;

Bill was read twice, under suspension of the constitutional rule, and ordered to a third reading.

Mr. Duskin, from the committee on penitentiary, prisons and punishments, reported favorably to Senate bill—

To amend section 3704 of the Revised Code of Alabama ;

The report was concurred in, and the bill ordered to a third reading.

BILLS INTRODUCED.

The following bills were introduced :

By Mr. Murphy—

For the relief of Wm. B. Green, late tax collector of Madison county, in relation to the list of insolvencies and errors in assessments of taxes for said county for the year 1870 ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Martin—

In relation to orphan's asylums in this State ;

Which bill was read twice, under suspension of the constitutional rule, and referred to committee on municipal and county organizations.

By Mr. Martin—

To compel judges of probate to cause the minutes of the probate court to be written up and papers recorded ;

By Mr. Doster—

To amend section 2884 of the Revised Code of Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Doster—

For the relief of I. W. Suttle and Wm. H. Odiorne, of Elmore county ;

By Mr. Doster—

To authorize Mary Edwards, of Baker county, to sell and convey real estate therein mentioned ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Jones—

For the relief of H. W. Caffey, of Lowndes county, Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Goodloe—

To require the clerk and register of the court of law and equity of Lawrence county to file, register and certify liens and mortgages in certain cases, and for other purposes ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

FINANCE COMMITTEE.

Mr. Ervin, from the committee on finance and taxation, reported, with substitute for the fifth section of the bill, favorably to House bill—

To maintain the credit of the State ;

The report was concurred in, and the substitute for the fifth section of the bill was adopted ;

Ayes 17, noes 12.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Doster, Driesbach, Edwards, Ervin, Hamilton, Harris, Martin, Parks, Pennington, Robinson, Snodgrass and Wilton—17.

Noes—Messrs. Curtis, Dereen, Duskin, Goodloe, Haralson, Hewitt, Jones, Leftwich, Miller, Murphy, Royal and Wilson—12.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Ayes 28, noes 1.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Snodgrass, Walton and Wilson—28.

Noes—Mr. Royal—1.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up,

It being Senate bill—

For the encouragement and promotion of manufacturing and the industrial and mechanical arts within the State of Alabama, and to confer upon those engaged in such pursuits certain privileges specified in said act ;

Mr. Duskin moved to amend as follows :

Strike out the words "five years" and insert the words " ten years," wherever they occur in sections 1 and 7 of said act ;

Pending the consideration of which,

The hour of one o'clock having arrived,

The special order set for that hour came up,

It being a report from the committee on printing ;

Mr. Wilson, from the committee on printing, reported favorably to Senate bill—

To economize in the public printing, and to repeal section 123 of the Revised Code ;

On motion of Mr. Duskin,

The further consideration of the report and bill was postponed until one o'clock to-morrow, and they were made a special order for that hour.

JOINT RESOLUTION.

With leave, Mr. Haralson offered joint resolution, in relation to printing ;

Which was read and adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 25, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment to House bill, entitled as follows :

To maintain the credit of Alabama.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, by his secretary, Mr. Atkinson :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, February 24, 1873.

To the General Assembly of the State of Alabama :

GENTLEMEN :—This department has information believed to be reliable that there are railroads within the State of Alabama whose bonds have been endorsed by the State, and who are in default in complying with the law in such cases made and provided, whose companies are insolvent and unable in future to comply with their obligations to the State, whose bonds, franchises and property can be sold to solvent associations, on terms that will hold the State harmless and safe of her liabilities in respect to such roads. In the judgment of the undersigned, the interest of the State will be advanced by a sale in all such cases to solvent companies, who can indemnify the State against loss growing out of her endorsement.

I have to recommend therefore, that you authorize the executive of the State to effect the sale of any such railroads on such terms, with such cash payments, or other guarantees, as in your judgment you deem prudent and proper for the security of the State.

I have the honor to be,
Your obedient servant,
DAVID P. LEWIS,
Governor.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, February 24, 1873.

To the General Assembly of Alabama:

GENTLEMEN :—I have the honor to submit herewith for your consideration and action, a communication from Alexander Stoddart, in respect to exempting from taxation for a limited period certain enterprises for the development of our mineral resources, for your thoughtful consideration and action.

This is one of many suggestions that the common scientific knowledge of the world has advertised, not only to the learning, but to the capitalists and artisans of the world—the unbounded wealth that is locked up in our mineral resources. If we do not see it ourselves, we are simply unobservant of what the world knows, and desires to share, to wealth and development of our State.

I beg leave to say that in wise measures for its speedy development lies not only the only solution of our greatness and grandeur, but also thereby the speedy subordination of the wretched questions which distract and divide the good people of our beloved State.

But I cannot close this communication without calling your special attention to the map, which is but the letter heading of the paper. A thoughtful examination of this map shows that all the products of the regions surrounding the Gulf of Mexico that are consumed in the United States west of Cincinnati, should pass through Alabama, which now pass through the city of New York.

I have the honor to be,

Your obedient servant,

DAVID P. LEWIS,

Governor.

COMMUNICATION FROM A. STODDART.

OFFICE OF ALEXANDER STODDART,
175 Broad way, New York,
February 20, 1873.

To his Excellency, Governor Lewis,
Montgomery, Alabama :

DEAR SIR :—Having noticed by telegraph dispatch that the legislature of Georgia have had introduced a bill exempting the manufacturing of iron, mining of coal, and cotton mills from taxation for a period of ten years, and having personal knowledge of the effect of its passage upon capital here, I am induced to ask whether it is not practicable to have a similar bill introduced and passed by the Alabama legislature, even if it provides for nothing more than the mining of coal. Such action of Alabama would, assuredly, remove existing doubts, and induce an influx of northern capital to that section, whereby the immense resources of the State would be speedily developed, and its local revenue materially increased from other sources contingent upon such development.

The belief entertained here that taxes there are so excessive as to be ruinous to any enterprise, deters northern capitalists from investing in what they feel to be problematical projects in that direction, where it is equally certain that they only wait definite assurance of protection and encouragement to commence active operations towards opening up the valuable mineral wealth of that section.

I would suggest that a bill of exemption for fifteen years, would be still more advantageous to Alabama, in that by affording superior inducements they would attract capital which might otherwise be located in Georgia.

I would be pleased to have an expression of your views on the subject,

And remain,

Very respectfully,

A. STODDARD.

Having been read, the messages and accompanying documents were referred to the committee on internal improvements.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed :

Joint resolution for the relief of the administrator of the estate of Newton L. Whitfield, deceased ;

A bill to repeal section 1389 of the Revised Code of Alabama, so far as the same applies to the county of Elmore;

A bill for the relief of the Alabama Central Railroad ;

A bill for the relief of Samuel Edmondson, county treasurer of Etowah county :

A bill for the relief of D. A. Moniac, tax collector of Baldwin county;

A bill to authorize the collection of debts for labor and services rendered for the benefit of trust estates ;

A bill for the protection of sheep ;

A bill to prohibit the sale, making or giving away of spirituous, vinous or malt liquors, within one mile of the Baptist church, located at Walnut Grove, Etowah county;

A bill to repeal an act entitled An act to secure complete records in the courts in this State, approved December 10, 1868;

A bill to be entitled An act to regulate the publication of legal notices and advertisements ;

A bill to allow persons whose property is alleged to have been injured or destroyed under sections 3733, 3734, 3735, 3736, and 3737 of the Revised Code of Alabama, to be competent witnesses ;

A bill for the relief of the sureties of William Falconer ;

A bill to repeal an act to prohibit the sale, making or giving away of spirituous, vinous or malt liquors within one mile of the school house located at Walnut Grove, Etowah county.

Pending consideration of special order,

On motion of Mr. Carmichael,

Senate adjourned until 11 o'clock to-morrow.

WEDNESDAY, February 26, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Armstrong.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Jones, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—27.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills and petitions were introduced:

By Mr. Black—

For the relief of Henry C. Copeland, of Barbour county, from the disabilities of non-age ;

By Mr. Walton—

For the relief of certain persons in the county of Choctaw;

By Mr. Miller—

For the relief of M. B. Kelly, of the county of Escambia;

By Mr. Murphy—

To authorize D. J. Burke, of Madison county, to peddle in goods, wares and merchandise, in the State of Alabama, without license ;

By Mr. Edwards—

To make Mrs. Trissa T. Posey a free dealer ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Wilson—

To encourage the publication of a new edition of Prof, Tuomey's Reports on the Geology of Alabama ;

By Mr. Carmichael—

To repeal an act entitled An act to amend an act entitled an act to incorporate the Sepulga River Manufacturing company, of Conecuh county ;

By Mr. Hamilton—

To amend section 4207 of the Revised. Code of Alabama ;

By Mr. Coleman—

To protect human life, and to provide for insane persons charged with crime ;

By Mr. Edwards—

To compel the civil officers of Alabama to enforce the laws ;

By Mr. Edwards—

To authorize Sarah Ann Hanna to sell the lands belonging to John Hanna, deceased ;

By Mr. Hewitt—

To amend section 4343 of the Revised Code of Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary;

By Mr. Miller—

To amend sections two and four of the charter of the city of Greenville ;

By Mr. Carmichael—

To incorporate the town of Ozark, in the county of Dale ;

By Mr. Doster—

To repeal an act entitled An act to add a part of Baker county to Dallas county ;

By Mr. Murphy—

To incorporate the Huntsville Hunting Park company ;

By Mr. Cobb—

To amend sections 13, 14, and 15 of an act entitled An act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1, 1870 ;

By Mr. Royal—

To relieve W. A. Stewart, a man with but one leg, of the county of Bullock ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Coleman—

To revise and amend an act entitled An act to incorporate the Florence and Nashville Railroad company, approved February 3, 1852 ;

By Mr. Coleman—

To authorize and require the commissioners' court of roads and revenue of Lauderdale county, to submit to the voters of said county a certain proposition therein named, and for other purposes ;

By Mr. Royal—

To incorporate the Phoenix Manufacturing company ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on internal improvement's.

By Mr. Wilson—

To require tax collectors to collect uncollected taxes which have been paid to the State or county by their predecessors in office ;

By Mr. Haralson—

Explanatory of an act entitled An act to establish revenue laws for the State ;

By Mr. Walton—

To amend subdivision four of section one hundred and twelve of an act entitled An act to establish revenue laws of the State of Alabama, approved December 31, 1868 ;

Which bills were severally lead twice, under suspension of the constitutional rule, and referred to the comtnittee on nuance and taxation ;

By Mr. Ervin—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsements of bonds of the various railroad companies of this State ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements, and one hundred copies ordered to be printed.

By Mr. Dereen—

For the relief of Augustus C. Pearce, Margaret Pearce, Eleanor Pearce, and Joseph Pearce, of the county of Marengo, Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select com-

mittee, consisting of Messrs. Hewitt, Duskin and Driesbach.

By Mr. Wilson—

To authorize and require the clerk of the city court of Montgomery to set criminal cases, not capital, for particular days, and to summon the witnesses in each case for the day set for the trial thereof ;

By Mr. Hamilton—

For the relief of Robert A. McTyer and Mary F. Brady ;

By Mr. Edwards—

To prohibit the sale making, or giving away of spirituous, vinous or malt liquors in two miles of Village Springs, in Blount county ;

By Mr. Snodgrass—

To repeal an act therein named and described ;

By Mr. Cobb—

To authorize Paul H. Lewis, as administrator of the estate of Wm. P. Brown, deceased, late of Shelby county, to sell the real estate belonging to said estate at private or public sale, without an order of court ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Duskin—

To repeal section two of an act entitled An act to incorporate the Greensboro Fire company No. 1, of Greensboro, Alabama, approved December 16, 1869 ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Dereen moved to refer the bill to the committee on municipal and county organizations ;

Which motion was lost ;

Ayes 6, noes 23 ;

Ayes—Messrs. Black, Dereen, Edwards, Ervin, Murphy, and Royal —6.

Noes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Curtis, Doster, Driesbach, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Parks, Pennington, Robinson, Snodgrass, Terrell, Walton and Wilson—23.

Bill was then read a third time, under suspension of the constitutional rule, and passed.

By Mr. Pennington—

Joint resolution in regard to appointing commissioners to confer and negotiate with commissioners appointed under authority of the legislature of Mississippi, concerning a re-arrangement of the boundary lines of said State ;

Which joint resolutions were read twice, under suspension of the constitutional rule ;

Mr. Robinson moved to amend, as follows :

"And that ten thousand dollars be appropriated out of any monies that may be in the State treasury, for the purpose of defraying the expenses of said commissioners."

On motion of Mr. Dereen,

Joint resolutions and amendment were referred to the committee on federal relations.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 26, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

To authorize the court of county commissioners of Lauderdale county to issue bonds for the purpose of paying the indebtedness of said county;

To amend sections 1, 2, 3 and 7 of an act entitled An act to incorporate the Shelby Coal company, approved February 8, 1858.

ROBERT BARBER,
Clerk of the House.

SPECIAL ORDER.

At twelve o'clock, the special order set for that hour came up, it being Senate bill—

To define and regulate property exempted from sale under legal process or administration, for the payment of debts ;

On motion of Mr. Hamilton,

The further consideration of the bill was postponed until Friday at 12 o'clock, and it was made the special order for that hour.

REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary, reported adversely to the following bills, with recommendation that they be laid on the table, another bill on the same subject having been reported, viz:

To exempt certain real and personal property from sale under legal process ;

To regulate and define the property exempt from sale on execution, or other final process of any court in the State of Alabama;

To carry into effect the provisions of article fourteen, sections 1, 2 and 4 of the Constitution of this State, on the subject of exempted property ;

To repeal sections 2880, 2881, 2882, 2883 and 2884 of the Revised Code of Alabama ;

On motion of Mr. Cobb,

The further consideration of the report and bills was postponed until Friday, at 12 o'clock, and they were made the special order for that hour, with the special order already set for that hour.

Mr. Harris, from the committee on education, reported adversely to Senate bills—

To protect school teachers in their claims ;

For the relief of H. W. Caffey, superintendent of education, Lowndes county, Alabama ;

Which adverse reports were severally concurred in.

Also, from the same committee, adversely to Senate bill—

To repeal an act entitled An act to extend the term of office of the present county superintendents of education, approved December 14, 1872 ;

On motion of Mr. Duskin,

Bill was recommitted to the committee on education, with instructions to report a bill providing for the appointment by the superintendent of public instruction to fill vacancies in the office of county superintendents of education, and repealing the act approved December 14, 1872;

Ayes 16, noes 14.

Ayes—Messrs. Black, Cobb, Dereen, Doster, Driesbach, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Murphy, Pennington, Royal and Wilson—16.

Noes—Messrs Carmichael, Coleman, Cunningham, Curtis, Edwards, Ervin, Hamilton, Hewitt, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—14.

Also, from same committee, favorably to Senate bill—

To provide for the payment of the board of regents of the State University ;

The report was concurred in, and the bill ordered, to a third reading.

Mr. Duskin, with leave, introduced bill—

To amend the charter of the Selma, Marion and Memphis Railroad company ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Haralson moved to amend as follows:

Provided, That all persons paying the same fare on said railroad, shall receive equal accommodation.

Mr. Pennington in the chair, decided the amendment out of order, as not being germain to the bill;

Mr. Haralson appealed from that decision, and the question being—

"Shall the decision of the chair be sustained ?"

The chair was sustained;

Ayes 18, noes 11.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Harris, Martin, Miller, Snodgrass and Walton—18.

Noes—Messrs. Curtis, Haralson, Hewitt, Jones, Leftwich, Murphy, Parks, Robinson, Royal, Terrell and Wilson—11.

Bill was read a third time, under suspension of the constitutional rule, and passed;

Mr. Haralson gave notice that he would move to reconsider the vote just taken, on the passage of the bill.

SPECIAL ORDER.

The hour of one o'clock having arrived, the special order set for that hour came up, it being Senate bill—

To economize in public printing, and to repeal section 123 of the Revised Code ;

The report of the committee was concurred in,

And bill read a third time, under suspension of the constitutional rule, and passed.

Ayes 22, noes 6.

Ayes—Messrs. Carmichael, Cobb, Coleman, Curtis, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin, Miller, Murphy, Parks, Robinson, Snodgrass, Terrell and Walton—28.

Noes— Messrs. Black, Dereen, Doster, Jones, Pennington, and Royal—6.

SENATE BILLS,

To amend section 2960 of the Revised Code of Alabama ;

To amend section 796 (clause 2) of the Revised Code of Alabama ;

To punish parties carrying concealed about their person brass knuckles, sling shots, or weapons of like kind or description ;

To repeal an act entitled An act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act entitled. An act to establish revenue laws for the State of Alabama, approved December 31, 1868, so far as the same applies to the county of Perry ;

To regulate the trial of attachment cases ;

To regulate the sessions and practice of the circuit court of Clarke county ;

To enable incorporate companies to surrender and dissolve their charter of incorporation ;

Were severally read a third time, and passed.

Senate bill—

For the relief of Eddy Ann Henry, from the disabilities of non-age,

Was read a third time ;

On motion Mr. Parks,

The bill was laid on the table.

Senate bill—

To repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of martimony has been decreed,

Was read a third time and passed.

Ayes 16, noes 12.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Hewitt, Martin, Miller and Parks—15.

Noes—Messrs. Black, Curtis, Haralson, Jones, Leftwich, Murphy, Pennington, Robinson, Royal, Terrell, Walton and Wilson—12.

Mr. Hewitt, with leave, presented a petition from J. Bagley ;

Which was referred to the committee on municipal and county organizations.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed the following bills :

A bill explanatory of the corporation laws of Alabama;

A bill to require the clerk and. register of the court of law and equity of Lawrence county to file, register and certify liens and mortgages in certain cases, and for other purposes ;

A bill to repeal an act entitled An act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved. August 12, 1868, &c., &c.;

A bill to amend section 3704 of the Revised Code of Alabama ;

A bill to prohibit the public officers of this State from dealing in State claims.

NOTICE TO RECONSIDER.

Mr Cobb gave notice that he would, make motion to reconsider the vote by which Senate concurred in adverse report to Senate bill—

To protect school teachers in their claims.

RESOLUTION.

Mr. Goodloe, with leave, offered the following resolution :

WHEREAS, An election was held for members of the General Assembly of Alabama on the 5th day of November, 1872 ; and

WHEREAS, The General Assembly was required and did assemble according to law in the city of Montgomery, Alabama, on the 18th day of November, 1872 ; therefore,

Be it resolved by the Senate of Alabama, That the following named persons Are hereby declared to have been duly and legally elected on the 5th day of November, 1872, and were and are hereby declared to have been duly and legally entitled to seats in the General Assembly of Alabama, on the 18th day of November 1872:

First District (Limestone and Lauderdale)—Daniel Coleman ;

Second District (Franklin, Lawrence and Colbert)—J. C. Goodloe ;

Third District (Morgan, Blount, Winston and Marion)—W. H. Edwards ;

Fourth District (Madison)—S. H. Murphy ;

Fifth District (Jackson, Marshall and DeKalb)—A. Snodgrass ;

Sixth District (Cherokee and Calhoun)—Thomas B. Cooper,

Seventh District (Walker, Jefferson and St. Clair)—Geo. W. Hewitt;

Eighth District (Shelby and Bibb)—R. W. Cobb ;

Ninth District (Tuskaloosa and Fayette)—J. M. Martin ;

Tenth District (Talladega and Clay)—A. Cunningham ;

Eleventh District (Chambers, Randolph and Cleburne)—J. J. Robinson ;

Twelfth District (Coosa and Tallapoosa)—Jno. A. Terrell;

Thirteenth District (Lee)—J. L. Pennington ;

Fourteenth District (Macon)—W. W. Glass;

Fifeenth District (Russell)—W. B. Harris ;

Sixteenth District (Bullock)— Benj. Royal;

Seventeenth District (Barbour)— Jacob Black ;

Eighteenth District (Autauga and Elmore)— C. S. G. Doster ;

Nineteenth District (Montgomery)—A. P. Wilson ;

Twentieth District (Lowndes)—J. W. Jones ;

Twenty-first District (Dallas)—Jere Haralson ;

Twenty-second District (Perry)—A. H. Curtis ;

Twenty-third District (Hale)-Geo. W. Duskin;

Twenty-fourth District (Greene and Pickens)—Lloyd. Leftwich ;

Twenty-fifth District (Sumter)—-Wm. J. Gilmore;

Twenty-sixth District, (Marengo) — J. W. Dereen;

Twenty-seventh District (Choctaw, Clarke and Washington)—S. Walton ;

Twenty-eighth District (Mobile)—P. Hamilton;

Twenty-ninth District (Baldwin, and Monroe)—J. D. Driesbach ;

Thirtieth District, (Wilcox) — R. H. Ervin ;

Thirty-first District (Butler and Conecuh)—Wm. Miller, jr. ;

Thirty-second District (Covington, Crenshaw and Pike)—W. H. Parks ;

Thirty-third District (Coffee, Dale and Henry)—J. M. —Carmichael.

Mr. Terrell moved to lay the resolution on the table;

Pending which, on motion of Mr. Robinson,

The Senate adjourned until 11 o'clock to-morrow.

Ayes 15, Noes 13.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Driesbach, Edwards, Ervin, Glass, Hamilton, Hewitt, Martin, Parks, Robinson Terrell and Walton—15.

Noes—Messrs. Black, Curtis, Dereen, Duskin, Goodloe, Haralson, Jones, Leftwich, Miller, Murphy, Pennington, Royal, and Wilson—13.

THURSDAY, February 27, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Armstrong.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Goodloe, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—28.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Martin—

For the relief of Nancy C. Stewart, of Etowah county ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Doster moved to amend as follows :

Provided, That all females in this State shall be entitled to all the rights and privileges and advantages to which men are entitled, under the laws of Alabama, from which they are not excluded by the Constitution of the State ;

Mr. Coleman moved to amend the amendment as follows :

Provided, That all juries shall be composed half of men and half of women ;

Mr. Pennington in the chair, decided the amendment to the amendment out of order.

Mr. Hewitt appealed from that decision,

And the question being—

"Shall the decision of the chair be sustained?"

The chair was sustained.

Ayes 16, noes 11.

Ayes—Messrs. Black, Dereen, Driesbach, Duskin, Ervin, Glass, Goodloe, Harris, Jones, Leftwich, Martin, Murphy, Parks, Snodgrass, Walton and Wilson—16.

Noes—Messrs. Carmichael, Coleman, Cunningham, Curtis, Edwards, Hamilton, Haralson, Hewitt, Robinson, Royal and Terrell—11.

Mr. Terrell moved to lay bill and amendment on the table ;

Which motion was lost;

Ayes 14, noes 15.

Ayes—Messrs. Carmichael, Cobb, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Hamilton, Hewitt, Jones, Murphy and Terrell —14.

Noes—Messrs. Coleman, Doster, Duskin, Goodloe, Haralson, Harris, Leftwich, Martin, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—15.

Bill and amendment were then referred to committee on privileges and elections.

By Mr. Pennington—

To authorize railroad companies chartered by this State to lease their roads ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Edwards—

To create a new county of portions of Blount, Walker, Jefferson and St. Clair, to be called the county of — ;

Which bill was read twice, under suspension of the constitutional rule;

Mr. Hewitt moved to amend by striking out "Village Springs" in the second section of the bill and inserting in lieu thereof "Jacob Brake's store ;"

Which amendment was accepted ;

Bill thus amended, was referred to the committee on municipal and county organizations.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly enrolled :

A bill to amend the charter of the Selma, Marion and Memphis Railroad company ;

A bill to prohibit the sale, making or giving away of spirituous, vinous or malt liquors within two miles of Village Springs in Blount county ;

A bill to economize in the public printing, and to repeal section 123 of the Revised Code ;

A bill to repeal an act therein named and described ;

A bill to authorize Paul H. Lewis, as administrator of the estate of Wm. P. Brown, deceased, late of Shelby county, to sell the real estate belonging to said estate at private or public sale without an order of court.

By Mr. Robinson—

Joint resolution to extend the present session of the General Assembly ;

Mr. Parks moved to amend as follows :

Provided, That the present session of the General Assembly be not extended beyond the 15th of March next ;

Mr. Wilson moved to refer joint resolution and amendment to the committee on the judiciary ;

Mr. Doster moved to refer them to special committee of three, with instructions to report to the Senate to-morrow, at half-past 11 o'clock a. m.

The question being taken on Mr. Doster's motion,

It was carried.

Messrs. Doster, Duskin and Cobb were thereupon appointed as said committee.

The hour of twelve o'clock having arrived.,

It being the hour for which Senate bill—

To regulate the rate of interest in this State was made the special order.

Mr. Goodloe made the point of order that the resolution declaratory of the persons legally elected Senators on the 5th day of November last, being the unfinished business in which the Senate was engaged at the last preceding adjournment, was, under rule 15 of rules of the Senate, the first business in order ;

Mr. Pennington in the chair, sustained the point of order, and decided that the resolution, under rule 15 of the rules of the Senate, had the preference ;

Mr. Parks appealed from that decision ;

And the question being—

" Shall the decision of the chair be sustained ?"

The chair was not sustained ;

Ayes 7, noes 22.

Ayes—Messrs. Black, Goodloe, Haralson, Jones, Murphy, Royal and Wilson—7.

Noes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Hamilton, Harris, Hewitt, Leftwich, Martin, Miller, Parks, Robinson, Snodgrass, Terrell and Walton—22.

FINANCE AND TAXATION.

Mr. Erwin, with leave, from the committee on finance and taxation, reported, adversely on Senate bill—

To exempt all the widows of this State who do not own more than $10,000 worth of property, from taxation ;

Which adverse report was concurred in ;

Ayes 23, noes 6.

Ayes—Messrs. Carmichael, Cobb, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Miller, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—23.

Noes—Messrs. Coleman, Duskin, Glass, Martin, Murphy and Pennington—6.

MOTION TO SUSPEND.

Mr. Terrell moved to suspend the order of business for the purpose of introducing resolution—

For the expulsion of the Senator from the 14th senatorial district;

Which motion was lost;

Ayes 10, noes 15.

Ayes—Messrs. Coleman, Driesbach, Edwards, Harris, Martin, Miller, Robinson, Snodgrass, Terrell and Walton—10.

Noes—Messrs. Carmichael, Cobb, Cunningham, Curtis, Duskin, Ervin, Goodloe, Hamilton, Haralson, Hewitt, Leftwich, Murphy, Parks, Royal and Wilson—15.

On motion of Mr. Duskin,

Senate bill—

For the encouragement and promotion of manufacturing and the industrial and mechanical arts, within the State of Alabama, and to confer upon those engaged in such pursuits, privileges specified in said act,

Was taken up and made special order for one o'clock to-morrow.

The Senate then proceeded to the consideration of the special order set for 12 o'clock, it being Senate bill—

To regulate the rate of interest in this State ;

Pending consideration of which,

On motion of Mr. Duskin,

The Senate adjourned until 11 o'clock to-morrow.

FRIDAY, February 28, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Armstrong.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Parks, Pennington, Royal, Snodgrass, Terrell, Walton and. Wilson—29.

Journal of yesterday was read and approved.

INTERNAL IMPROVEMENTS.

With leave, Mr. Pennington, from the committee on internal improvements, reported favorably, with amendment, to House bill—

To amend An act to authorize the Savannah and Albany Railroad company to extend their railroad from the line of Georgia, on the Chattahoochee River, to the city of Mobile, Alabama, and to extend a branch road from Eufaula to Montgomery ;

The report was concurred in,

And the amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

With leave, Mr. Coleman, from select committee, reported joint resolution—

Making additional appropriation to pay the funeral expenses of the Hon. W. J. Gilmore, deceased ;

Joint resolution was read three times, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

The hour of half-past eleven o'clock having arrived,

The special order set for that hour came up, it being a report from a select committee ;

Mr. Doster, from the select committee, reported adversely to Senate joint resolution—

To extend the present session of the General Assembly ;

Which adverse report was concurred in ;

Ayes 24, noes 4.

Ayes—Messrs. Black, Cobb, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Martin, Miller, Pennington, Royal, Snodgrass, Walton and Wilson—24.

Noes— Messrs. Carmichael, Coleman, Parks and Terrell—4.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 28, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, with amendment,

SENATE BILL,

To be entitled as follows:

To declare the meaning of An act to extend to the fire companies of the city of Mongomery, the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1st, 1870.

ROBERT BARBER,
Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 28, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested,

SENATE BILL,

To be entitled as follows :

For the relief of Mary C. Beach, wife of George F. Beach, of Dallas county.

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

To be entitled as follows :

To submit to the vote of the people of Jefferson county, the question of removal of the courthouse from Elyton to Birmingham ; and in case the people decide in favor of such removal, empowering the court of county commissioners of said county to erect a courthouse and other public buildings at Birmingham, and authorizing said court, in order to raise means for that purpose, to issue bonds of said county upon certain conditions therein mentioned;

To enable the Memphis and Charleston Railroad company to pay off and discharge its floating debt;

To authorize and require the clerk of the city court of Montgomery to set criminal cases, not capital, for particular days, and to summon the witnesses in each case for the day set for the trial thereof ;

To repeal section two of an act entitled An act to incorporate the Greensboro Fire company, No. 1, of Greensboro, Alabama, approved December 16, 1869 ;

I am directed to inform the Senate that the House of Representatives has orignated and passed

JOINT RESOLUTIONS,

In which the concurrence of the Senate is requested, to be entitled as follows :

Authorizing the State Auditor to draw his warrant on the Treasurer in favor J. B. Wing for eighty-three 75-100 dollars.

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

Authorizing the State Auditor to draw his warrant in favor of Robert C. Clarke for thirty dollars.

I am directed to inform the Senate that the House of Representatives has passed, without amendment, a

SENATE JOINT RESOLUTION,

To be entitled as follows :

Regulating the charges of freights upon railroads within this State ;

Also, the following

HOUSE BILLS,

To repeal an act entitled An act requiring the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved 16th December, 1871, so far as relates to the counties of Cleburne ;

To extend the time within which the Bienville Water Works company of the city and county of Mobile may commence work;

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within one mile of the Methodist church in the town of Larkinsville, in the county of Jackson ;

To amend An act to repeal an act entitled an act to appoint an additional surveyor for the county of Jackson ;

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, or other intoxicating beverages, within two miles of the coaling grounds of any iron works in the counties of Jefferson and Tuskaloosa ;

To amend the charter of the town of Greensboro, in the county of Hale ;

To increase the per diem of the county commissioners of the county of Henry.

ROBERT BARBER,
Clerk of the House.

SPECIAL ORDER.

At twelve o'clock the special order set for that hour came up, it being Senate bill—

To define and regulate property exempted from sale under legal process or administration for the payment of debts;

The question being on concurring in the favorable report of the committee, the report was concurred in ;

The amendments proposed by the committee were considered separately ;

And the amendments to the second and third sections were adopted ;

Mr. Hamilton moved to amend the amendment to the fifth section by striking out "five hundred dollars," and inserting "eight hundred dollars;"

Which amendment was adopted ;

On motion of Mr. Duskin,

The amendment to the section, thus amended, was laid on the table ;

Ayes 12, noes 10.

Ayes—Messrs. Cobb, Coleman, Dereen, Driesbach, Duskin, Edwards, Goodloe, Haralson, Jones, Leftwich, Terrell and Walton—12.

Noes—Messrs. Cunningham, Doster, Ervin, Hamilton, Harris, Hewitt, Parks, Pennington, Royal and Snodgrass—10.

The amendments to the sixth, ninth, tenth, thirteenth and sixteenth sections were severally adopted.

Mr. Haralson moved to adjourn until 11 o'clock to-morrow,

Which motion was lost ;

The amendment to the twenty-first section was adopted ;

Mr. Cobb moved to strike out the section ;

Which motion,

On motion of Mr. Haralson,

Was laid on the table ;

Mr. Cobb moved to amend the fifth section by inserting between the words " State " and " not " in the third line, the words, " who is the head of a family," and by striking out the word " two " wherever it occurs in said line, and inserting "one ;"

Mr. Terrell moved to amend the amendment as follows :

Provided, That the property herein exempted shall include no other property than such as is exempted now under the constitution of the State ;

On motion of Mr. Cobb,

The amendment to the amendment was laid on the table ;

Mr. Martin moved to postpone the further consideration of the bill until half-past twelve o'clock, to-morrow, and make it special order for that hour ;

Which motion was lost ;

Mr. Cobb's amendment ; was then adopted.

Mr. Terrell moved to amend as follows :

Be it further enacted, That nothing herein shall be so construed as to allow any exemption whatever of any species of property, whether personal, real, or choses in action, which is not exempted under the provisions of the constitution of this State, families of deceased pereons excepted.

On motion of Mr. Cobb the amendment was laid on the table ;

Ayes 17, noes 9.

Ayes—Messrs. Carmichael, Cobb, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Ervin, Haralson, Harris, Hewitt, Leftwich, Martin, Royal, Walton and Wilson—17.

Noes—Messrs. Black, Coleman, Dereen, Goodloe, Hamilton, Parks, Pennington, Snodgrass and Terrell—9.

On motion of Mr. Terrell,

Mr. Cobb's motion to strike out the fifth section of the bill was taken from the table ;

Mr. Cobb's motion to strike out the fifth section was then adopted ;

Ayes 21, noes 7.

Ayes—Messrs. Black, Carmichael, Cobb, Cunningham, Curtis, Dereen, Doster, Driesbach, Buskin, Edwards, Ervin, Glass, Hamilton, Harris, Hewitt, Parks, Pennington, Royal, Snodgrass, Terrell and Wilson—21.

Noes—Messrs. Coleman, Goodloe, Haralson, Jones, Leftwich, Martin and Walton—7.

Mr. Pennington moved to adjourn ;

Which motion was lost ;

Ayes 9, noes 19.

Ayes—Messrs. Black, Dereen, Edwards, Ervin, Jones, Pennington, Snodgrass, Terrell and Walton—9.

Noes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Curtis, Doster, Driesbach, Duskin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin, Parks, Royal and Wilson—19.

Mr. Coleman offered the following amendment,

Which was adopted :

Be it further enacted, That in criminal cases where defendants have given bond and security for their appearance at court, and a forfeiture is taken on the bond, then in order to enable said defendants to give security, no property, either of the defendants or sureties on the bond shall be exempt from process on said forfeited bond.

Mr. Goodloe offered the following amendment,

Which, on motion of Mr. Martin,

Was laid on the table :

Amend by excepting all property the citizens of this State now possess, or may possess hereafter for all time to come ;

Mr. Martin moved to indefinitely postpone the bill;

On motion of Mr. Hewitt,

The motion was laid on the table.

Leave of absence was granted Mr. Leftwich for four days.

Mr. Terrell moved to adjourn until 11 o'clock to-morrow ;

Which motion was lost ;

Ayes 7, noes 17.

Ayes—Messrs. Black, Cunningham, Dereen, Ervin, Leftwich, Snodgrass and Terrell —7.

Noes—Messrs. Carmichael, Cobb, Coleman, Curtis, Doster, Driesbach, Duskin, Edwards, Hamilton, Haralson, Harris, Hewitt, Martin, Parks, Pennington, Walton and Wilson—17.

SPECIAL ORDER.

At one o'clock the special order set for that hour came up, it being Senate bill—

For the encouragement and promotion of manufacturing, and the industrial and mechanical arts within the State of Alabama, and to confer upon those engaged in. such pursuits certain privileges specified in said act.

On motion of Mr. Duskin—

The further consideration of the bill was postponed until one o'clock to-morrow, and it was made the special order for that hour.

Senate resumed consideration of Senate bill—

To define and regulate property exempted from sale under legal process or administration for the payment of debts ;

Mr. Doster moved to reconsider the vote by which Senate adopted Mr. Coleman’s amendment ;

Which motion was carried.

Mr. Coleman, with leave, then withdrew his amendment.

On motion of Mr. Hewitt,

The further consideration of the bill was postponed until twelve o' clock to-morrow, and it was made the special order for that hour.

JUDICIARY COMMITTEE.

With leave, Mr. Hamilton, from the committee on the judiciary, reported substitute for Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish means for their vindication, with the following title :

To protect the citizens of the United States within the State of Alabama, in their civil rights ;

Which report was concurred in.

On motion of Mr. Pennington,

Bill and substitute were laid. on the table, and made the special order for Tuesday next, at twelve o'clock, and one hundred and fifty copies of the substitute were ordered printed.

On motion of Mr. Haralson,

SENATE BILL

For the relief of Mary C. Beach, wife of George P. Beach, of Dallas county,

Was taken up ;

Senate concurred in the amendment of the House to the bill.

Mr. Coleman moved to adjourn ;

Which motion was lost.

On motion of Mr. Hewitt—

HOUSE BILL

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating-bitters, or other intoxicating beverages, within two miles of the coaling grounds of any iron works in the counties of Jefferson and Tuskaloosa ;

Was taken up ;

Bill was read first time ;

Mr. Hewitt moved to suspend the constitutional rule, so as to give the bill a second reading forthwith ;

Which motion was lost.

Mr. Coleman moved to adjourn ;

Which motion was lost ;

Ayes 6, noes 16.

Ayes—Messrs. Coleman, Cunningham, Dereen, Royal, Snodgrass and Terrell—6.

Noes—Messrs. Carmichael, Cobb, Curtis, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Haralson, Harris, Hewitt, Leftwich, Pennington, Walton and Wilson—16..

On motion of Mr. Duskin,

HOUSE BILL

To amend the charter of the town of Greenboro, in the county of Hale,

Was taken up ;

Bill was read three times, under suspension of the constitutional rule, and passed.

On motion of Mr. Doster,

The vote by which the Senate refused, to suspend the constitutional rule, so as to give House bill—

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters or other intoxicating beverages, within two miles of the coaling grounds of any iron works in the counties of Jefferson and Tuskaloosa, a second reading forthwith, was reconsidered ;

The constitutional rule was suspended, and the bill read a second time ;

On motion of Mr. Cobb,

The bill was amended so as to include the county of "Bibb ;"

Bill thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

Title of the bill was amended by inserting "Bibb" after the word Jefferson.

On motion of Mr. Haralson—

HOUSE JOINT RESOLUTION

Authorizing the State Auditor to draw his warrant in favor of Robt. C. Clark for thirty dollars,

Was taken up ;

Joint resolution was read three times forthwith, under suspension of the constitutional rule, and passed.

ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled :

An act to declare the meaning of An act to extend to the fire companies in the city of Montgomery, the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved February 26, 1872.

An act to enable the Memphis and. Charleston Railroad company to pay off and discharge its floating debt ;

Joint resolution authorizing payment for public printing done for the separate organizations of the General Assembly prior to the reorganization under the plan proposed by the Attorney General of the United States.

On motion of Mr. Carmichael,

Senate adjourned until 11 o'clock to-morrow.

SATURDAY, March 1,1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Armstrong.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Martin, Miller, Parks, Pennington, Snodgrass, Terrell, Walton and Wilson—26.

Journal of yesterday was read and approved.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 1, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 28th February he signed and approved the following bills, originating in the Senate :

An act to be entitled An act to declare the meaning of an act to extend to the fire companies in the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March first, eighteen hundred. and seventy ;

An act to enable the Memphis and Charleston Railroad company to pay off and discharge its floating debt ;

Also, a

Joint resolution authorizing payment for public printing done for the separate organizations of the General Assembly, prior to the reorganization under the plan proposed by the Attorney General of the United States.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Doster—

To amend section 85 of an act entitled An act to establish revenue laws for the State of Alabama ;

By Mr. Doster—

To amend an act entitled An act to encourage investments of money within this State by life insurance companies of other or foreign States ;

By Mr. Doster—

To secure justices of the peace and notaries public in their fees in certain cases ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Haralson—

To prevent the selling of vinous or spirituous liquors within one mile of Marion Junction, on the Alabama, Central railroad, county of Dallas ;

By Mr. Dereen—

To amend section 3620 of the Revised Code of Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Hamilton—

To amend third section of an act entitled An act to amend certain sections of the Revised Code, viz. : Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855, 3856, article two, chapter five, title two, part four, approved February 26, 1872.

By Mr. Hamilton—

To require all persons convicted of a felony and sentenced to hard labor, perform such hard labor as other convicts in the State penitentiary ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on penitentiary, prisons and punishments.

By Mr. Dereen—

To amend section 3555 of the Revised Code of Alabama ;

Which bill was read twice, under suspension of the constitutional rule.

Mr. Cobb moved to strike out the words “ not having been threatened by an attack ; ”

Which motion was carried ;

Bill, thus amended, was referred to the committee on local legislation.

By Mr. Doster—

To repeal an act entitled An act to exempt the judge of probate, register in chancery, and attorneys, in Elmore county, from the provisions of an act entitled An act to prohibit attorneys in certain cases from practicing their professions in the probate and chancery courts, approved February 11, 1871 ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

Mr. Cobb moved to amend by inserting " Shelby county " ;

Which amendment was adopted ;

Bill, thus amended, was referred to the committee on the judiciary.

By Mr. Wilson—

In relation to the fine and forfeiture fund of Montgomery county ;

Which bill was read twice forthwith, under suspension of the constitutional rule ;

On motion of Mr. Jones,

Bill was amended so as to apply to the county of Lowndes ;

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

The title of the bill was amended so as to read " Montgomery and Lowndes counties."

By Mr. Jones—

To amend section 1353 (1169) of the Revised Code of Alabama, so far as it applies to Lowndes county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed ;

SPECIAL ORDER.

At twelve o'clock, the special order set for that hour came up, it being Senate bill—

To define and regulate property exempted from sale under legal process or administration for the payment of debts ;

Mr. Hamilton offered the following amendment,

Which was adopted :

SECTION 5. Be it further enacted, That whenever any defendant in execution, a resident of this State, is the owner in his own right, of less than one thousand dollars worth of personal property, his wages, earnings and income shall be exempted from process of garnishment for the collection of debts to such an amount during that

year as will, with the value of his personal property, secure to him or her an exemption to the extent of one thousand dollars.

If the plaintiff in execution deny the propriety of an exemption of income or wages so claimed by said defendant, he may contest the claim by issue before the court before which the garnishment is pending, upon the claim for exemption presented by defendant, which last must be on oath, and in writing, as directed in section 10 of this act.

Mr. Cobb offered the following amendment to the sixth section :

Amend by inserting between the words "worship" and "occupied," where they occur in the fourth line of the sixth section of the bill, the words "all books not kept for sale."

Mr. Hewitt offered the following amendment to the amendment :

Other than law or medical books ;

Mr. Terrell moved to lay both amendments on the table ;

Which motion was lost ;

Ayes 10, noes 13.

Ayes—Messrs. Poster, Driesbach, Goodloe, Hamilton, Harris, Hewitt, Pennington, Snodgrass, Terrell and Wilson—10.

Noes—Messrs. Cobb, Coleman, Dereen, Duskin, Edwards, Ervin, Glass, Haralson, Jones, Martin, Miller, Parks and Walton—13.

On motion of Mr. Pennington,

The amendment to the amendment was laid on the table ;

Ayes 19, noes 4.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Hamilton, Haralson, Harris, Jones, Parks, Snodgrass, Terrell, Walton and Wilson—19.

Noes—Messrs. Doster, Goodloe, Hewitt and Martin—4.

Mr. Hewitt moved to amend the amendment as follows:

Three cows and calves, twenty head of sleep, twenty head of hogs, one work-horse or mule, or one yoke of oxen, one horse or ox-cart, all poultry on the place, five hundred pounds of meat, one hundred bushels of corn, one thousand pounds of fodder, twenty-five bushels of wheat, one thousand of oats in the sheaf, twenty-five bushels of sweet potatoes, all the meal at any time on hand, not kept for sale, thirty pounds of wool or wool

rolls, two hundred pounds of lint cotton for spinning purposes, all tools or implements of any mechanical trade, not kept for sale, not to exceed five hundred dollars in value, two plows and plow gear, and two hoes.

On motion of Mr. Cobb,

The amendment to the amendment was laid on the table;

Ayes 18, noes 5.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Hamilton, Harris, Parks, Snodgrass, Terrell, Walton and Wilson—18.

Noes— Messrs. Goodloe, Haralson, Hewitt, Jones and Martin—5.

Mr. Duskin offered the following amendment as a substitute for the amendment :

All books not kept for sale, including law and medical books not exceeding the value of five hundred dollars, and all farming implements and tools of mechanics to the value of five hundred dollars.

On motion of Mr. Terrell,

The amendment and substitute were laid on the table ;

Ayes 13, noes 11.

Ayes—Messrs. Black, Carmichael, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin, Hamilton, Hewitt, Miller, Terrell and Wilson—13.

Noes—Messrs. Cobb, Coleman, Duskin, Glass, Goodloe, Jones, Martin, Parks, Snodgrass and Walton—10.

Mr. Terrell offered the following substitute for the 22d section :

SEC. 22. Be it further enacted, That sections 2061, 2063, 2878, 2879, 2880, 2882, 2883 and 2884 of the Revised Code of Alabama, and all other statutory laws and parts of statutory laws heretofore in force in this State, exempting property from the payment of debts, or administration, or relating thereto, be and the same are hereby repealed ;

The substitute was adopted ;

Thus amended, bill was then read a third time forthwith, under suspension of the constitutional rule, and passed ;

Ayes 19, noes 2 ;

Ayes—Messrs. Black, Carmichael, Coleman, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Glass, Hamilton, Hewitt, Martin, Parks, Snodgrass, Terrell, Walton and Wilson—19.

Noes—Messrs. Goodloe and Miller—2.

The title of the bill was amended so as to read—

An act to regulate property exempted, from sale for the payment of debts ;

Mr. Walton gave notice that he would, move to reconsider the vote just taken on the passage of the bill.

SPECIAL ORDER.

At one o'clock, the special order set for that hour came up, it being Senate bill—

For the encouragement and promotion of manufacturing and the industrial and mechanical arts within the State of Alabama, and to confer upon those engaged, in such pursuits certain privileges specified in said act ;

On motion of Mr. Duskin,

The fuather consideration of the bill was postponed until 12 o'clock Monday, and it was made the special order for that hour.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 1, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed House bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To amend first section of an act entitled An act to prevent the sale of spirituous liquors within two miles of Salem Baptist church, in Jefferson county, approved February 1, 1860 ;

To prohibit the sale of whisky in five miles of Scottsboro, in Jackson county.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 1, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed House bill, in which the

concurrence of the Senate is requested, to be entitled as follows:

To prevent the sale of spirituous or vinous liquors within two and one half miles of the furnaces of the Red Mountain Iron and Coal company, in the county of Jefferson.

ROBERT BARBER,
Clerk of the House.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled, bill to be entitled—

An act for the relief of Mary C. Beach, wife of George F. Beach, of Dallas county.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed the following bills and joint resolutions :

A bill to authorize and require the clerk of the city court of Montgomery to set criminal cases not capital for particular days, and to summons the witnesses in each case for the day set for the trial thereof ;

A bill to repeal section 2 of an act entitled An act to incorporate the Greensboro Fire company, No. 1, of Greensboro, Alabama ;

Joint resolution in relation to Senate bill regulating the charges of freight upon railroads within this State.

On motion of Mr. Pennington,

The order of business was suspended for the purpose of making a report from the committee on internal improvements ;

Ayes 21, noes 3.

Ayes—Messrs. Black, Carmichael, Coleman, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Hewitt, Jones, Miller, Pennington, Snodgrass, Terrell, Walton and Wilson —21.

Noes—Messrs. Cunningham, Martin and Parks—3.

Mr. Pennington, from the committee on internal improvements, reported favorable, with amendment, to Senate bill—

To authorize railroad companies, chartered by the State, to lease their roads ;

The report was concurred in,

And the amendment adopted ;

Thus amended,

The bill was read a third time, under suspension of the constitutional rule ;

Pending the consideration of the passage of the bill-
On motion of Mr. Haralson,
Senate adjourned until 12 o'clock Monday.

MONDAY, March 3, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered. to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Harris, Martin, Parks, Pennington, Snodgrass, Terrell and Walton—21.

Journal of yesterday was read and approved.

Mr. Ervin presented the credentials of Wm. G. Little, jr., Senator elect from the twenty-fifth Senatorial district, whereupon Mr. Little came forward and was duly qualified by taking and subscribing' the oath of office, before Hon. James Q. Smith, circuit judge second judicial circuit of Alabama, and took his seat.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills and joint resolutions were introduced :

By Mr. Hamilton—

To regulate proceedings in the probate court in cases where the estate of a deceased party is interested, and such estate has no executor or administrator, or he is interested adversely thereto ;

By Mr. Ervin—

To amend section 825 of the Revised Code of Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Parks—

To amend the fifteenth subdivision of section third of An act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

By Mr. Parks—

To pay for the advertisements of land sold by the tax collector of Pike county and purchased by the State ;

Which bills were severally read twice forthwith, under the suspension of the constitutional rule, and referred- to the committee on finance and taxation.

By Mr. Driesbach—

To provide for the permanent location of the county seat of Baldwin county ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Parks—

To authorize Emily A. Brunson, as administratrix of the estate of John W. Cowart. late of Pike county, deceased, to sell the lands of said decedent's estate at private or public sale, without an order of court.

By Mr. Ervin—

Joint resolution relative to the appointment of an agent for the collection of the amount due from the United States to the State of Alabama, on account of lands in this State disposed of by military warrants and land scrip issued for military services in the wars of the United. States ;

Which bill and joint resolution were severally read. three times, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 3, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILLS,

To be entitled as follows :

To amend section twelve of an act to be entitled An act to incorporate the Mobile and Ohio Railroad company, Approved February 3, 1848 ;

To amend sections two and six of an act entitled An act to incorporate the town of Dadeville, in the county of Tallapoosa.

Also, with amendment, in which the concurrence of the Senate is requested,

SENATE BILL,

To be entitled as follows :

To incorporate the city of Tuskaloosa.

Also, has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To incorporate the town of Clayton.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Parks,

The regular order was suspended for the purpose of offering joint resolution ;

Ayes 13, noes 11.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Ervin, Little, Parks, Terrell and Walton—12.

Noes—Messrs. Black, Dereen, Duskin, Glass, Goodloe, Harris, Martin, Pennington, Royal, Snodgrass and Wilson—11.

Mr. Parks offered Joint resolution to adjourn sine die on Saturday, the 15th instant ;

Mr. Duskin moved to amend by striking out "Saturday, the 15th instant," and inserting "Monday, the 17th instant ;"

Which amendment was accepted ;

Mr. Pennington moved to lay joint resolution, as amended, on the table ;

Which motion was lost.

Ayes 7, noes 18.

Ayes— Messrs. Black, Curtis, Dereen, Glass, Goodloe, Pennington and Wilson—7.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Driesbach, Duskin, Edwards, Ervin, Hamilton, Harris, Little, Martin, Parks, Royal, Snodgrass, Terrell and Walton—18.

Mr. Pennington moved to adjourn until 11 o'clock tomorrow ;

Which motion was lost ;

Ayes 5, noes 20.

Ayes—Messrs. Black, Dereen, Goodloe, Pennington and Wilson—5.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Hamilton, Harris, Little, Martin, Parks, Royal, Snodgrass, Terrell and Walton—20.

Joint resolution, as amended, was then adopted ;

Ayes 23, noes 1.

Ayes—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin,

Edwards, Ervin, Glass, Goodloe, Harris, Little, Martin, Parks, Royal, Snodgrass, Terrell, Walton and Wilson —23.

Noes—Mr. Pennington—1.

SPECIAL ORDER.

At one o'clock the special order set for that hour came up, it being Senate bill—

For the encouragement and promotion of manufacturing, and the industrial and mechanical arts within the State of Alabama, and to confer upon those engaged in such pursuits certain privileges specified in said act ;

The question being on Mr. Buskin's amendment,

Mr. Terrell moved to lay the amendment on the table ;

Which motion was lost ;

Ayes 3, noes 18.

Ayes—Messrs. Ervin, Martin and Parks—3.

Noes—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curds, Dereen, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Harris, Pennington, Royal, Snodgrass and Wilson—18.

The amendment was then adopted ;

Ayes 19, noes 4.

Ayes—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Harris, Pennington, Snodgrass, Walton and Wilson—19.

Noes— Messrs. Ervin, Martin, Parks and Terrell—4.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 3, 1873.

Mr. President :

I am directed by the Governor to communicate to the , Senate a message in writing, with accompanying bill.

Respectfully,
CHAS. J. ATKINSON,
Recording Secretary.

ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled—

An act to repeal section 3 of an act entitled An act to incorporate the Greensboro Fire Company, No. 1, of Greensboro, Alabama, approved December 16, 1869 ;

An act to authorize and require the clerk of the city court of Montgomery to set criminal cases, not capital, for particular days, and to summons the witnesses in each case for the day set for the trial thereof ;

Joint resolution in relation to Senate bill regulating the charges of freight upon railroads within this State.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed the following bill and joint resolution:

A bill to authorize Emily A. Brunson, administratrix of the estate of John W. Cowart, late of Pike county, deceased, to sell the lands of said decedent's estate at private or public sale without an order of court ;

Joint resolution relative to the appointment of an agent for the collection of the amount due from the United States to the State of Alabama, on account of lands in this State disposed of by military warrants and land scrip issued for military services in the wars of the United States.

Mr. Hamilton moved to amend the bill as follows :

Insert between the words "dollars" and "shall," in seventh line of the first section, the following :

And also all capital invested in steamers and ships, or vessels that may be employed in commerce and navigation, between any port in the State of Alabama and any country or state, other than a State next but one adjoining the territory of this State ;

Also, by inserting between the words " thereto" and " shall," in the 12th line of said section, the following words :

" And steamers and ships above named."

Mr. Pennington moved to amend the amendment by inserting the word " regularly " before the word " employed ;"

Which amendment was accepted.

Mr. Cooper moved to amend by inserting the words " built in this State " after the word " vessels."

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 3, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To change the seat of justice of Morgan county.

ROBERT BARBER,
Clerk of the House.

Mr. Terrell moved to recommitt bill and amendments to committee on judiciary ;

Pending the consideration of which,

On motion of Mr. Parks,

Senate adjourned until 11 o'clock to-morrow.

TUESDAY, March 4, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wadsworth, of Montgomery.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Harris, Haralson, Hewitt, Little, Martin, Parks, Snodgrass, Terrell, Walton and Wilson—26.

Journal of yesterday was read and approved.

Leave of absence was granted Mr. Pennington for one day.

Mr. Carmichael, with leave, offered the following resolution :

Resolved, That from and after this day, the regular hour of meeting for the Senate shall be fifteen minutes after ten o'clock a. m. of each day, until the adjournment of the General Assembly ;

Mr. Hewitt offered the following substitute, which was accepted, and lies over one day, under the rules of the Senate :

Resolved, That from and after the adoption of this resolution, the Senate shall hold its sessions each and

every day, commencing at fifteen minutes after ten o'clock a. m., and continuing until 2 p. m., and commencing again at 4 p. m., and continuing until the Senate may adjourn.

BILLS WITHDRAWN.

Mr. Hamilton asked and obtained leave to withdraw bill—

To pay C. T. Steams, register, and Stephen Moore, receiver of the land office at Mobile, for the final location of certain overflowed swamp lands, according to the provisions of acts of Congress therein recited.

Mr. Wilson asked and obtained leave to withdraw bill—

To pay P. J. Anderson and Wm. H. Dingley, register and receiver of the land office at Montgomery, for services rendered, according to acts of Congress, therein referred to.

CONSIDERATION OF HOUSE MESSAGES.

HOUSE BILLS

To amend sections 1, 2, 3 and 7 of an act entitled An act to incorporate the Shelby coal company, approved, February 8, 1858 ;

To authorize the court of county commissioners of Lauderdale county to issue bonds for the purpose of paying the indebtedness of the county, and for other purposes ;

To amend 1st section of an act entitled An act to prevent the sale of spirituous liquors within two (2) miles of Salem Baptist church, in Jefferson county, approved February 21, 1860 ;

To increase the per diem of the county commissioners of the counties of Henry, Barbour, Wilcox and Washington ;

To amend an act to repeal an act entitled An act to appoint an additional surveyor for the county of Jackson ;

To repeal an act entitled An act requiring the justices. of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved Dec. 16, 1871, so far as relates to the county of Cleburne ;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

HOUSE BILL

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors, within five miles of the court house, in the town of Scottsboro, in Jackson county, Alabama ;

Was read three times, under suspension of the constitutional rule, and passed.

Title of the bill was amended by inserting after the word "liquors," in "less quantities than forty gallon s;"

HOUSE BILL

To extend the time within which the Bienville Water Works company of the city and county of Mobile may commence work ;

Was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

HOUSE BILL

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within one mile of Methodist church, in the town of Larkinsville, in the county of Jackson, and within three miles of Franklin church, in Macon county,

Was read twice forthwith, under the suspension of the constitutional rule, and ordered to a third reading.

HOUSE BILL

To incorporate the town of Clayton, in Barbour county,

Was read twice, under suspension of the constitutional rule ;

Mr. Black moved to amend by striking out the word "March" where it occurs in the second and third sections, and inserting the word "April;"

Which amendment was adopted ;

Bill thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

HOUSE BILL

To prevent the sale of spirituous or vinous liquors, within two and one-half miles of the furnace of the Red Mountan Iron and Coal company, in the county of Jefferson,

Was read twice, under suspension of the constitutional rule ;

Mr. Cobb moved to amend by inserting "Briarfield Iron works of the county of Bibb."

Mr. Hewitt moved to lay the amendment on the table ;

Which motion was lost,

The amendment was then lost.

Bill was read a third time, under suspension of the constitutional rule.

Mr. Parks moved to refer the bill to committee on municipal and county organizations.

Mr. Wilson moved to lay the motion on the table ;

Which motion was carried ;

Ayes 20, noes 7.

Ayes—Messrs. Black, Carmichael, Coleman, Cooper, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Harris, Hewitt, Little, Martin, Miller, Snodgrass, Royal, Terrell and Wilson—20.

Noes—Messrs. Cobb, Glass, Goodloe, Hamilton, Haralson, Parks and Walton—7.

Mr. Cobb moved to postpone the further consideration of the bill until 12 o'clock Thursday, and make it a, special order for that hour ;

Which motion was lost.

Bill was then passed.

HOUSE BILL

To change the seat of justice of Morgan county ;

Was read twice, under suspension of the constitutional rule.

Mr. Edwards moved to amend by striking out the words " first Thursday in April," wherever they occur in the bill, and inserting "Saturday, the 26th day of April next" ;

Which amendment was adopted ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

HOUSE JOINT RESOLUTION,

Authorizing the State Auditor to draw his warrant in favor of J. R. Wing for eighty-three dollars and seventy-five one-hundredth dollars,

Was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

SPECIAL ORDER.

At twelve o'clock, the special order set for that hour came up, it being Senate bill—

To protect all citizens in the State of Alabama in their civil rights, and to furnish the means for their vindication ;

On motion of Mr. Haralson,

Further consideration of the bill was postponed until twelve o'clock to-morrow, and it was made the special order for that hour.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 4, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which, the concurrence of the Senate is requested, to be entitled as follows :

To fix the time of holding the circuit court of the seventh judicial circuit.

ROBERT BARBER,
Clerk.

HOUSE BILL

To fix the time of holding the circuit court of the 7th judicial circuit ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

GOVERNOR'S MESSAGE.

The following message from the Governor was read :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 3, 1873.

To the General Assembly of the State of Alabama :

GENTLEMEN :—I have the honor to return to the Senate, wherein it originated, an act entitled "An act for the relief of Mary C. Beach, wife of George F. Beach, of Dallas county," with my objections to approving the same.

The objectionable feature of this bill, to which I find myself unable to be reconciled is, that it contemplates a mortgage on the separate estate of Mrs. Beach, " to pay for supplies already bought" for her husband's farm.

It seems that losses have been sustained by her husband in the management of his farm, which, by the bill, are to be borne by the separate estate of his wife. It does not appear whether the sum of the loss is small, or that it may not entirely sweep away the corpus of the wife's separate estate. Nor does it appear that the husband possesses no means of his own from which the debt can be paid. If he possess the means, or if the creditor gave him the credit on the mere chance of a profitable crop, in either category it is not perceived that any grounds exist on which the separate estate of the wife should assume the burden of payment. It does not appear that either Mrs. Beach or her separate estate derived any benefit from the debt, or could have done so, even if the speculation had been successful.

Nor is any reason shown why the separate estate of Mrs. Beach should be involved in the future farming speculations of her husband. If successful, her separate estate can derive no benefit from them. Loss, without the possibility of benefit, is not an inviting reason for its sanction. Antecedents show that loss is not improbable.

So far as this particular case is concerned, it is simply a proposition to convert the Code separate of Mrs. Beach into a common law separate estate, by empowering her to encumber it for purposes allowable, under our decisions, in the latter, but prohibited in the former description of separate estates. If this be the first step of the General Assembly in the change of the policy of the State, of the laws which govern and regulate the estates of married women, I submit that the merits of the two systems should be discussed more thoroughly than they have been in the consideration of a mere private bill. If there is no dissatisfaction with our statutes, as now existing, regulating the estates of married women, it is submitted most respectfully that no reason is shown to exist why the separate estate of Mrs. Beach should not be protected by all its safeguards.

I would furthermore suggest that it is a very grave question whether the heirs at law of Mrs. Beach have not such a vested interest in the separate estate in question, that in the event of her dying intestate, is not susceptible of being defeated by a mortgage and sale under the act in reference to the same.

I therefore return the bill to the Senate, in which it originated, without my approval.

I have the honor to be,

Your obedient servant,

DAVID P. LEWIS,

Governor.

Which message,

On motion of Mr. Haralson,

Was made the special order for 12 o clock m. Friday next.

REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary, reported favorably to House bills—

To compromise a certain suit pending against the State of Alabama ;

For the relief of Mrs. Eliza Belt, administratrix of the estate of Thomas W. Belt, and to enable her to sell lands ;

Which reports were concurred in,

And the bills severally read a third time, forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendment, to Senate bill—

To authorize some qualified person to edit and publish a revised edition of Professor Tuomey's geological reports of the State ;

The report was concurred in,

And the amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Ayes 19, noes 6.

Ayes—Messrs. Black, Cobb, Cooper, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Hamilton, Haralson, Harris, Jones, Little, Terrell, Walton and Wilson—19.

Noes—Messrs Carmichael, Hewitt, Martin, Parks, Royal and Snodgrass—6.

Also, from the same committee, adversely to Senate bill—

To encourage the publication of a new edition of Professor Tuomey's reports on the geology of Alabama ;

Which adverse report was concurred in.

Mr. Parks, from the committee on municipal and county organizations, reported favorably, with amendment, to bill—

To establish a new charter for the city of Demopolis ;

The report was concurred, in,

And the amendment adopted ;

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with an amendment, to Senate bill—

To change the name of Youngsville to that of Alexander City, and incorporate the same ;

The report was concurred in,

And the amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Hamilton, from the committee on the judiciary, reported favorably to House bills—

To require probate judges of this State to keep a record book, in which shall be entered all licenses issued by them under the revenue laws of this State ;

To amend sections 14, 16 and 17 of an act entitled An act to establish an inferior court of record in the town of Courtland, Alabama, approved December 2, 1872 ;

Which reports were concurred in,

And the bills severally read a third time, forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendment, to House bill—

To amend section 3326 of the Revised Code of Alabama ;

The report was concurred in,

And the amendment adopted ;

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At one o'clock the special order set for that hour came up, it being Senate bill—

For the encouragement and promotion of manufacturing, and the industrial and mechanical arts within the State of Alabama, and to confer upon those engaged in such pursuits certain privileges specified in said act ;

The question being on Mr. Terrell's motion to refer bill and amendment to the committee on the judiciary,

It was lost ;

Ayes 3, noes 23.

Ayes—Messrs. Haralson, Parks and Terrell—3.

Noes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Little, Martin, Miller, Royal, Snodgrass and Walton—23.

Mr. Cooper, with leave, submitted, as the amendment to the amendment, the following :

And all ships and vessels which may be built in this State, of capacity exceeding one thousand tons, custom-house measurement ;

The amendment to the amendment was adopted.

Mr. Parks moved to lay the amendment, as amended, on the table ;

Which motion was lost ;

Ayes 5, noes 19.

Ayes—Messrs. Carmichael, Haralson, Parks, Terrell, and Walton—5.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Harris, Hewitt, Little, Martin, Royal and Snodgrass—19.

Mr. Terrell moved to postpone the further consideration of the bill until 12 o'clock Wednesday week ;

Which motion was lost ;

The amendment, as amended, was then adopted.

Mr. Cobb offered the following amendment, which was adopted :

Amend by inserting after the word " machinery " in the third line of the first section, and before the word " erection, " in the same line, the words " in process of erection before and."

Mr. Hewitt offered the following amendment, which was adopted :

Amend by inserting next after the words " business of, " where they occur in fifth line of first section, the word " mining," and by inserting next after the words, " and refining," where they occur in the sixth line of first section, the word " coal."

Mr. Haralson offered the following amendment, which was lost :

Provided, That no person shall be entitled to the benefits of the provisions of this act until they have paid the sum of three hundred dollars into the State treasury for the benefit of the free public schools.

Mr. Terrell offered the following amendment :

Strike out the words "one hundred thousand dollars," in the seventh line of the first section, and insert " live hundred dollars."

On motion of Mr. Hewitt,

The amendment was laid on the table ;

Ayes 21, noes 5.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Hamilton, Harris, Hewitt, Little, Martin, Miller, Snodgrass, Walton and Wilson—21.

Noes—Messrs. Haralson, Jones, Parks, Royal and Terrell—5.

Mr. Terrell offered, the following amendment,

Which was lost:

That nothing herein contained shall be so construed as to give said corporations or companies a vested right, and that the State claims the right of repeal.

Ayes 5, noes 22.

Ayes—Messrs. Haralson, Jones, Parks, Royal and Terrell—5.

Noes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Hamilton, Harris, Hewitt, Little, Martin, Miller, Snodgrass, Walton and Wilson —22.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule and passed ;

Ayes 20, noes 7.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Hamilton, Harris, Hewitt, Little, Martin, Miller, Snodgrass and Wilson—20.

Noes—Messrs. Ervin, Haralson, Jones, Parks, Royal, Terrell and Walton—7.

Mr. Hamilton moved to amend the title so as to read—

An act for the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama.

Mr. Parks moved to amend the title thus:

A bill to be entitled An act to encourage monopolies in this State ;

Mr. Parks' amendment was laid on the table ;

Ayes 24, noes 4.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach,

Duskin, Glass, Edwards, Ervin, Hamilton, Harris, Hewitt, Jones, Little, Martin, Miller, Snodgrass, Walton and Wilson—24.

Noes—Messrs. Haralson, Parks, Royal and. Terrell—4.

Mr. Hamilton's amendment was then adopted.

Mr. Dustin moved to reconsider the vote by which the bill was passed ;

On motion of Mr. Hamilton,

The motion was laid on the table.

Mr. Curtis asked leave to record his vote in favor, of the passage of the bill ;

Which was objected to.

Mr. Hamilton, from the committee on the judiciary, reported substitute for Senate bill—

To authorize the Governor of this State to fill all judicial offices of the State where the same are or may become vacant by death, resignation, or otherwise, to be entitled as follows :

To authorize the Governor of this State to fill vacancies which may occur in judicial offices of this State.

The report was concurred, and the substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill—

To provide for the payment of the board of regents of the State university ;

The report was concurred in, and bill read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the selling, giving away, or other disposition of spirituous, vinous or intoxicating liquors within two miles of Concord church, in Randolph county,

Was read a third time, and passed.

CONCURRENCE.

Senate concurred in amendment of the House to Senate bill—

To incorporate the city of Tuskaloosa.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

March 4, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which

the concurrence of the Senate is requested, to be entitled as follows:

To amend the charter of the Pensacola and Louisville Railroad company.

ROBERT BARBER,
Clerk of the House.

BILLS INTRODUCED.

The following bills were introduced:

By Mr. Wilson—

To incorporate a medical college of the State of Alabama, at Montgomery ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Doster—

To establish an inferior court of record in the several counties of this State, with civil and criminal jurisdiction, and to provide for the organization thereof ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 4, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bills originating in the Senate :

An act to be entitled An act to authorize and require the clerk of the city court of Montgomery to set criminal cases, not capital, for particular days, and to summons the witnesses in each case and for the day set for the trial thereof ;

An act to be entitled An act to repeal section two of an act entitled an act to incorporate the Greensboro Fire Company, No. 1, of Greensboro, Alabama, approved December 16th, eighteen hundred and sixty-nine.

Also, a—

JOINT RESOLUTION,

In relation to Senate bill regulating the charges of freight upon railroads within this State.

Respectfully,

C. J. ATKINSON,
Recording Secretary.

Mr. President announced the following committees:

To inquire into the condition of the Alabama and Chattanooga Railroad—Messrs. Cobb, Pennington and Carmichael, on the part of the Senate ;

To examine into the financial condition of the State at the end of the last fiscal year and up to the present time—Messrs. Wilson and Edwards ;

For regulating freights on. railroads within this State—Messrs. Goodloe and Wilson.

On motion of Mr. Haralson,

Senate adjourned until 11 o'clock to-morrow.

WEDNESDAY, March 6, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wadsworth, of Montgomery.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Little, Martin, Miller, Parks, Royal, Snodgrass, Terrell, Walton and Wilson—29.

Journal of yesterday was read, corrected and approved.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills and joint resolutions were introduced:

By Mr. Coleman—

To define the meaning of the word resident;

By Mr. Coleman—

To preserve farms from trespass and damages ;

By Mr. Goodloe—

To enlarge the powers of the Huntsville Agricultural and Mechanical Association ; also, other associations of the same kind therein named ;

By Mr. Coleman—

To enable defendants charged with crime to give bond and security for their appearance at court ;

By Mr. Goodloe—

To amend section 2353 of the Revised Code ;

By Mr. Edwards—

To legalize the sale of certain lands therein named;

By Mr. Edwards—

To provide pay for officers of court in certain cases ;

By Mr. Edwards—

To amend section 3514 of the Revised Code of Alabama ;

By Mr. Edwards—

To amend section 3518 of the Revised Code ;

By Mr. Edwards—

To establsh a chancery district for the county of Morgan, in the northern chancery division ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Goodloe—

For the relief of J. G. Alexander, tax collector of Colbert county ;

By Mr. Goodloe—

For the relief of James A. Barton, of Colbert county ;

By Mr. Little—

To authorize Wm. O. Winston, administrator of the estate of Turner Reavis, deceased, and his successors in said office, to sell the library and lands of said intestate at public or private sale ;

By Mr. Cooper—

To fix the time of holding the circuit court in the 12th judicial circuit ;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

By Mr. Parks—

For the protection of tax-payers ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee of three, consisting of Messrs. Parks, Cooper and Ervin, with instructions to report thereon to-morrow.

By Mr. Goodloe—

Regulating and fixing the salaries of public officers and the per diem and mileage of members and officers of the General Assembly ;

By Mr. Goodloe—

To prohibit courts of county commissioners from levying a tax for county purposes upon the special State tax to provide a sinking fund ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Coleman—

To protect timber and rails ;

Which bill was read twice, under suspension of the constitutional rule ;

On motion of Mr. Haralson—

Bill was amended by striking out the word "felony, " where, it occurs in the bill ;

Bill, thus amended, was referred to the committee on the judiciary.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed :

A bill to authorize Wm. O. Winston, administrator of the estate of Turner Reavis, deceased, late of Sumter county, and his successors in said office, to sell the library and lands of said intestate at. public or private sale ;

A bill for the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama ;

A bill to authorize the Governor to appoint some qualified person to edit and publish a revised edition of Prof. Tuomey's Geological Reports of the State ;

A bill for the relief of James A. Barton, of Colbert county ;

A bill for the relief of J. G. Alexander, tax collector of Colbert county.

Mr. Carmichael, from the committee on enrolled bills, reported the following bills as correctly enrolled:

An act to amend section twelve of an act entitled An act to incorporate the Mobile and Ohio Railroad company, approved February 3, 1848 ;

An act to submit to the vote of the people of Jefferson county the question of removal of the court house from Elyton to Birmingham, &c. ;

An act to amend sections two and six of An act to incorporate the town of Dadeville, in the county of Tallapoosa.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 5,1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which

the concurrence of the Senate is requested, to be entitled as follows :

To authorize the probate judge of Macon county to appoint guardian of minor heirs of A. T. Henderson, without requiring bond and annual settlements.

ROBERT BARBER,
Clerk of the House.

By Mr. Coleman—

In relation to administrators and guardians ;

Which bill was read twice, under suspension of the constitutional rule.

Mr. Hewitt offered substitute for the bill ;

Bill and substitute were referred to the committee on the judiciary.

By Mr. Coleman—

To protect women and minor operatives from excessive work ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Coleman—

Joint resolution in relation to amendments to the Federal Constitution ;

Which was read, and referred to the committee on federal relations.

MUNICIPAL AND COUNTY ORGANIZATIONS.

With leave, Mr. Parks from the committee on municipal and county organizations, reported substitute for Senate bill—

To authorize the city of Mobile to issue bonds, to be entitled as follows :

To authorize the issuance of bonds by the city of Mobile to the extent of two hundred thousand dollars ;

The report of the committee was concurred in, and substitute adopted ;

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At twelve o’clock the special order set for that hour came up, it being Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish the means for their vindication.

The question being on the substitute reported by the committee on the judiciary,

Mr. Carmichael offered the following amendment to the substitute :

Amend the first section by striking out the words " and by licensed inn-keepers," in the third line of said section, after the word " water," and by striking out the words " and inn-keepers " where they occur in the 5th, 7th and 11th lines of said section.

Mr. Terrell moved to indefinitely postpone bill amendments.

On motion of Mr. Curtis—

The motion was laid on the table ;

Ayes 25, noes 4.

Ayes— Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Buskin, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Little, Miller, Parks, Pennington, Royal and Wilson—25.

Noes— Messrs. Coleman, Martin, Terrell and Walton—4.

Pending the consideration of the special order,

On motion of Mr. Cunningham,

Senate adjourned until 11 o'clock to-morrow.

THURSDAY, March 6,1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wadsworth, of Montgomery.

On the call of the roll, the following Senators answered. to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Hamilton, Haralson, Harris, Hewitt, Jones, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—29.

Journal of yesterday was read and approved.

HOUSE BILL

To establish a city court for the county of Lee,

Was taken up, and read a second time, and referred,

with a petition, to the committee on the judiciary, with instruction to report thereon to-morrow.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 6, 1873.

Mr. President:

I am directed, to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows:

To establish a new charter for the city of Opelika.

ROBERT BARBER,
Clerk of the House.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Edwards—

For the relief of certain persons therein named ;

By Mr. Edwards—

To authorize Jane Edwards, of Morgan county to sell at private sale certain lands therein named ;

By Mr. Hewitt—

To authorize the payment of certain money into the State treasury ;

Which bills were severally read twice ; under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Edwards—

To provide a grand jury docket ;

By Mr. Hewitt—

To regulate the manner of finding and endorsing indictments by tile grand Jury in cases of murder ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Edwards—

To incorporate the town of Decatur, and for other purposes ;

By Mr. Cooper—

To authorize the court of county commissioners to elect a chairman and a clerk of said court, and define their duties ;

By Mr. Cooper—

To relieve judges of the court of probate from duties imposed upon them by law, pertaining to the court of county commissioners ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Snodgrass—

To authorize the Governor to grant and issue a patent to David Edwards, of Jackson county ;

By Mr. Snodgrass—

To authorize the Governor to grant and issue a patent to David Fariss, of Jackson county ;

By Mr. Cooper—

To prohibit certain public officers, their deputies or agents, from purchasing or trafficing in county claims ;

By Mr. Cooper—

To authorize the redemption of lands sold for taxes and purchased by the State ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Cooper—

To authorize the Governor to settle with Montgomery and Eufaula Railroad company ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Cooper—

To prohibit the sale of spirituous or vinous liquors within an area of live miles of Stonewall Iron Works, in Cherokee county, in this State ;

By Mr. Cooper—

Authorizing the county of Montgomery to issue bonds ;

Which bills were read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Hewitt—

To repeal an act entitled An act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the counties of Walker, St. Clair and Jefferson ;

Which bill was read twice, under suspension of the constitutional rule.

Mr. Martin moved to amend by adding the counties of Tuskaloosa, Fayette and Sanford.

Mr. Robinson moved to amend the amendment by adding the counties of Chambers, Randolph and Cleburne ;

On motion of Mr. Carmichael,

The amendments were laid on the table ;

Ayes 13, noes 11.

Ayes—Messrs. Black, Carmichael, Dereen, Driesbach, Edwards, Haralson, Hewitt, Jones, Miller, Pennington, Royal, Snodgrass and Wilson—13.

Noes— Messrs. Cobb, Coleman, Cunningham, Doster, Hamilton, Little, Martin, Parks, Robinson, Terrell and Walton—11.

Mr. Robinson moved to amend by striking out "so far as the same relates, to the counties of Walker, St. Clair and Jefferson."

Mr. Parks offered the following as a substitute for the amendment :

Amend the bill so far as to include Chambers, Randolph, Cleburne, Tuskaloosa, Fayette, Sanford, Covington, Crenshaw and Pike counties.

Pending the consideration of which,

At the hour of 12 o'clock, the

SPECIAL ORDER

Set for that hour came up, it being Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish means for their vindication ;

Mr. Pennington moved to suspend the special order for the further consideration of the bill;

Four-fifths of the Senators present, and not voting in the affirmative,

Mr. President decided the motion lost.

Mr. Terrell appealed from that decision ;

And the question being,

" Shall the decision of the chair be sustained ?"

The chair was sustained.

The question being on the amendment to the substitute,

On motion of Mr. Pennington,

The amendment was laid on the table ;

Ayes 16, noes 30.

Ayes—Messrs. Black, Cooper, Curtis, Dereen, Doster, Duskin, Glass, Hamilton, Haralson, Harris, Jones, Little, Miller, Pennington, Robinson and Wilson—16.

Noes—Messrs. Carmichael, Cobb, Coleman, Driesbach, Edwards, Hewitt, Martin, Parks, Terrell and Walton —10.

Mr. Pennington moved to amend the substitute as follows :

By striking out all after the words "United States," and before " provided," in the first section.

On motion of Mr. Parks,

The amendment was laid on the table;

Ayes 19, noes 6.

Ayes— Messrs. Cobb, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Hamilton, Haralson, Harris, Hewitt, Little, Parks, Terrell and Walton—19.

Noes—Messrs. Black, Jones, Martin, Pennington, Royal and Wilson—6.

Mr. Parks moved to amend the substitute as follows :

Append to second section this proviso :

Provided, That the word "inn-keepers," where it occurs in the first and second sections of the bill. shall be construed as to be only such public accommodations as exist and are kept in operation along the public lines of travel in this State ;

Mr. Terrell moved to postpone the further consideration of the bill and amendments until Tuesday next, at 12 o' clock.

Mr. Pennington moved to indefinitely postpone bill and amendments.

Mr. Doster moved to lay both motions on the table.

The question being first taken on laying the motion to indefinitely postpone on the table,

It was carried ;

Ayes 17, noes 10.

Ayes—Messrs. Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Hamilton, Haralson, Harris, Hewitt, Jones, Little, Miller, Royal and Walton —17.

Noes—Messrs. Black, Carmichael, Coleman, Edwards, Martin, Parks, Pennington, Robinson, Snodgrass and Terrell—10.

The question was then taken on laying Mr. Terrell's motion on the table,

And it was laid on the table ;

Ayes 16, noes 11.

Ayes—Messrs. Carmichael, Cobb, Cooper, Curtis, Dereen, Doster, Duskin, Hamilton, Haralson, Harris, Hewitt, Jones, Little, Pennington, Royal and Wilson —16.

Noes— Messrs. Black, Coleman, Cunningham, Driesbach, Edwards, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—11.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 6, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that on the 5th inst. he approved and signed the following bills originated in the Senate :

An act to submit to the vote of the people of Jefferson county, the question of removal of the courthouse from Elyton to Birmingham ; and in case the people decide in favor of such removal, empowering the court of county commissioners of said county to erect a courthouse and other public buildings at Birmingham, and authorizing said court, in order to raise means for that purpose, to issue bonds of said county upon certain conditions therein mentioned;

An act to amend sections 2 and 6 of an act entitled An act to incorporate the town of Dadeville, in the county of Tallapoosa.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 6, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILLS,

To be entitled as follows :

To authorize the county of Montgomery to issue bonds;

To authorize the Governor of this State to fill vacancies which may occur in judicial offices in this State ;

To authorize the issuance of bonds by the city of Mobile to the extent of two hundred thousand dollars.

ROBERT BARBER,
Clerk of the House.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed the following bills :

A bill to authorize the issuance of bonds by the city of Mobile to the extent of two hundred thousand dollars ;

A bill to prohibit the sale of spirituous or vinous liquors within an area of five miles of Stonewall Iron Works, in Cherokee county, in this State ;

A bill to authorize the county of Montgomery to issue bonds.

Pending the consideration of the special order,

On motion of Mr. Doster,

Senate took a recess until 7 ½ o'clock p. m.

———

NIGHT SESSION,

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names:

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Glass, Hamilton, Hewitt, Little, Martin, Miller, Parks, Pennington, Robinson, Snod-.grass, Terrell, Walton and Wilson—20.

On motion of Mr. Pennington,

House bill—

To establish a new charter for the city of Opelika,

Was taken up ;

Bill was read twice forthwith, under suspension of the constitutional rule, and referred to committee on municipal and county organizations, with instructions to report thereon to-morrow at 12 o' clock, and it was made special order for that hour.

SELECT COMMITTEE.

Mr. Parks, from the select committee to which was referred Senate bill for the protection of tax payers, made the following

REPORT:

First. That while the provisions of the bill under consideration will not afford a complete and adequate remedy for the evils connected with the sale of lands for taxes, they will, in the opinion of the committee, it enacted into law, contribute greatly towards supplying a manifest de-

ficiency in the present law. Such an enactment will avoid, in a great measure, many of the evils complained of, and the expense and annoyance and perplexities to which tax payers are subjected.

Second. The revenue bill pending before the House of Representatives, and which has been printed for the use of the two houses, if it should become a law, we do not think sufficiently provides for the emergency. This bill dispenses with the board of equalization as now provided by law, and devolves the duties of the examination of the assessor's books and returns upon the commissioners courts of the several counties. No additional powers are granted to them other than are now conferred upon the boards of equalization.

The mode of the examination of the assessor's returns is different, notice being given to all persons interested in any errors that the court may discover, wtih the right to such party to introduce, and the power of the court to hear, evidence Thereon.

The powers conferred by the pending bill upon the commissioners court, which is intended to be substituted for the board of equalization, are fully set forth and explained in the first clause of the 97th section of said bill, which reads thus, to-wit:

"SEC. 97. Be it further enacted. That the intent and purpose of the foregoing sections is to have all property assessed for taxation at what it would sell for at a fair open sale, and to have exact justice done to all tax-payers."

If the above clause indicates the measure of their duties and scope of authority, we think their examination will be confined to the assessment of property merely, and not, also, to the correction and errors and mistakes in the description of property.

Your committee therefore recommend the passage of the bill.

WM. H. PARKS,
Chairman.

Mr. Pennington moved to adjourn ;

Which motion was lost;

Ayes 9, nays 15.

Ayes—Messrs. Cobb, Coleman, Curtis, Little, Martin, Miller, Pennington, Terrell and Walton — 9.

Noes— Messrs. Carmichael, Cooper, Cunningham, Doster, Driesbach, Edwards, Glass, Hamilton, Harris, Hewitt, Jones, Parks, Robinson, Snodgrass and Wilson—15.

The report of the committee was concurred, in, and bill read a third time forthwith, under suspension of the constitutional rule ;

On motion of Mr. Parks,

The further consideration of the bill was postponed until Tuesday next at 12 o'clock m., and it was made the special order for that hour.

Leave of absence was granted Mr. Ervin until Monday next.

Leave of absence was granted Mr. Goodloe.

On motion of Mr. Pennington,

Senate adjourned until 11 o'clock to-morrow.

Ayes 13, noes 10.

Ayes—Messrs. Cobb, Cooper, Curtis, Hamilton, Little, Edwards, Martin, Miller, Pennington, Robinson, Terrell, Walton and Wilson—13.

Noes— Messrs. Carmichael, Cunningham, Poster, Driesbach, Glass, Harris, Hewitt, Jones, Parks and Snodgrass—10.

———

FRIDAY, March 7, 1873.

Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Wadsworth, of Montgomery.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Hamilton, Harris, Hewitt, Little, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—28.

The journal of yesterday was read and approved.

Mr. President laid before the Senate certain papers in relation to an improvement in lighters for vessels ; and the introduction of capital and labor ;

Which were referred to the committee on federal relations.

NEW RULE.

Mr. Carmichael’s amended resolution, changing the time of meeting of the Senate, was called up, read, and adopted.

Leave of absence was granted Mr. Coleman until Monday next.

JOINT RESOLUTION.

With leave, Mr. Pennington introduced, joint resolution—

Legalizing the official acts of the Auditor of State under the compromise proposed by the Attorney General of the United States ;

Which joint resolution was read three times forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

CONSIDERATION OF HOUSE MESSAGES.

House hill—

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within one mile of the Methodist church in the town of Larkinsville, in the county of Jackson, and within three miles of Franklin church, in Macon county,

Was read a third time, and passed.

HOUSE BILL

To amend the charter of the Pensacola and Louisville Railroad company,

Was read twice, under suspension of the constitutiona- rule, and referred to the committee on internal improvel ments, with instructions to report thereon to-morrow.

HOUSE BILL

To authorize the judge of probate of Macon county, to appoint Samuel Henderson guardian of his minor children, the heirs of A. F. Henderson, without requiring bond and an annual settlement,

Was read three times forthwith, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 7, 1873.

Mr. President :

I am directed by the Governor to communicate to the Senate a message in writing, and accompanying bill.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

SPECIAL ORDER.

At 12 o'clock, the first special order set for that hour came up, it being Senate bill—

For the relief of Mary C. Beach, wife of George F. Beach, of Dallas county, vetoed by his Excellency, the Governor.

Mr. Dereen moved to suspend the consideration of the special order, for the purpose of taking up Senate bills on second and third readings.

Mr. Cobb moved to amend the motion so as not to take up bills of a local character.

Mr. Duskin moved to lay the motions on the table ;

Which motion, was lost ;

Ayes 4, noes 21.

Ayes—Messrs. Black, Doster, Duskin and Glass—4.

Noes— Messrs. Carmichael, Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Hamilton, Harris, Hewitt, Jones, Little, Martin, Murphy, Parks, Pennington, Robinson, Snodgrass, Terrell and Walton—21.

Mr. Cobb, with leave, withdrew his amendment.

Mr. Dereen's motion was then carried.

SECOND SPECIAL ORDER.

The second special order for twelve o' clock then came up, it being a report from the committee on the judiciary to House bill—

To establish a city court for Lee county ;

On motion of Mr. Hamilton,

The committee was allowed until Monday next, at 12 o'clock, to make a report, and it was made the special order for that hour ;

The third special order set for twelve o'clock then came up, it being a report from a committee.

Mr. Parks, from the committee on municipal and county organizations reported favorably to House bill—

To establish a new charter for the city of Opelika ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

SENATE BILLS

To regulate the payment of their incomes to annuitants ;

To amend section 2860 of the Revised Code ;

To repeal an act to establish the criminal court for the county of Russell, with criminal and civil jurisdiction, approved February 26, 1872 ;

To authorize the court of county commissioners of Madison county, to pay for fuel used in the office of judge of probate, sheriff and clerk of circuit court of said county ;

To repeal an act entitled An act to exempt from administration property of decedents, and vest titles in the widow or child or children, approved February 8, 1872 ;

To enlarge the board of equalization of the county of Perry ;

To amend an act entitled An act to regulate the publication of legal notices in the State of Alabama, approved August 12, 1868, and an act entitled An act to amend the same, approved October 18, 1868 ;

Requiring the sureties on the official bonds of the county officers of Baldwin county, to reside in said county ;

Were severally read a third time, and passed.

SENATE BILL

To prevent the evil practice of dueling,

Was read a third time.

Mr. Robinson moved to recommit bill to the committee on the judiciary ;

Which motion was lost :

Mr. Robinson moved to lay bill on the table ;

Which motion was lost ;

Ayes 5, noes 19.

Ayes—Messrs. Cooper, Martin, Parks, Robinson and Terrell—5.

Noes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Hamilton, Harris, Hewitt, Miller, Murphy, Pennington, Snodgrass, Walton and Wilson—19.

Bill was then passed;

Ayes 18, noes 7.

Ayes—Messrs. Carmichael, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Hamilton, Harris, Hewitt, Jones. MillerMurphy, Pennington, Snodgrass, Terrell and Wilson—18.

Noes—Messrs. Cobb, Coleman, Cooper, Martin, Parks, Robinson and Walton—7.

Mr. Murphy moved to reconsider the vote just taken on the passage of the bill ;

Mr. Dereen moved to lay the motion on the table, and it was carried ;

Ayes 19, noes 7.

Ayes—Messrs. Carmichael, Cobb, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Hamilton, Harris, Hewitt, Jones, Miller, Murphy, Parks, Royal, Snodgrass and Wilson—19.

Noes—Messrs. Coleman, Cooper, Martin, Pennington, Robinson, Terrell and Walton—7.

Senate bill—

To change the line between the counties of Barbour and Russell,

Was read a third time, and passed.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled the following bills :

An act to authorize the issuance of bonds by the city of Mobile, to the extent of one hundred thousand dollars.

An act to authorize the Governor of the State to fill vacancies which may occur in the judicial offices in this State ;

An act to authorize the county of Montgomery to issue bonds;

An act to incorporate the city of Tuskaloosa.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
March 7, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bill, originated in the Senate :

An act to authorize the issuance of bonds by the city of Mobile to the extent of two hundred thousand dollars.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed the following bills :

A bill to repeal the inspection laws of this State ;

A bill to authorize the Governor of this State to fill vacancies which may occur in judicial offices in this State.

Senate bill—

To repeal an act to establish a new charter for the city of Opelika, approved March 3, 1870, and all acts amendatory thereto,

Was read a third time, and indefinitely postponed.

Leave of absence was granted Mr. Little until Monday next.

Senate bill—

To appropriate all taxes collected, upon licenses in the city of Birmingham to the public school fund of said city,

Was read a third time ;

Mr. Robinson moved to indefinitely postpone the bill.

Pending the consideration of which,

The hour of 2 o'clock having arrived,

Senate adjourned until 4 o'clock, p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

In the absence of the Lieutenant Governor,

On motion of Mr. Carmichael,

Mr. Pennington was called to the chair.

Leave of absence was granted Mr. Parks until Monday next.

Senate resumed consideration of Senate bill—

To appropriate all taxes collected upon licenses in the city of Birmingham, to the public school fund of said city;

The question being on the motion to indefinitely postpone the bill,

Mr. Haralson moved to lay the motion on the table ;

Which motion was carried ;

Ayes 14, noes 13.

Ayes—Messrs. Black, Cobb, Cooper, Curtis, Edwards, Hamilton, Haralson, Hewitt, Jones, Martin, Murphy, Pennington and Royal—14.

Noes— Messrs. Carmichael, Coleman, Cunningham, Dereen, Doster, Driesbach, Buskin, Miller, Robinson, Snodgrass, Terrell, Walton and Wilson—13.

Mr. Terrell moved to adjourn ;

Which motion was lost;

Ayes 3, noes 25.

Ayes—Messrs. Carmichael, Coleman and Terrell —3,

Noes—Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards,

Glass, Hamilton, Haralson, Harris, Hewitt, Jones, Martin, Miller, Murphy, Pennington, Robinson, Royal, Snodgrass, Wilson and Walton—25.

Mr. Duskin moved, to recommit bill to committee on education;

Pending the consideration of which,

On motion of Mr. Robinson,

Senate adjourned to fifteen minutes past ten to-morrow ;

Ayes 17, noes 9.

Ayes —Messrs. Carmichael, Coleman, Cunningham, Curtis, Dereen, Duskin, Edwards, Harris, Jones, Miller, Pennington, Robinson, Royal^ Snodgrass, Terrell, Walton and Wilson—17.

Noes—Messrs. Black, Cobb, Cooper, Doster, Driesbach, Glass, Hewitt, Martin and Murphy—9.

SATURDAY, March 8, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Pennington, Robinson, Royal, Snodgrass, and Walton—24.

Journal of yesterday was read and approved.

RECONSIDERATION.

On motion of Mr. Poster,

The vote upon the passage of House bill—

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within one mile of the Methodist church, in the town of Larkinsville, in the county of Jackson, and within three miles of Franklin church, in Macon county,

Was reconsidered.

On motion of Mr. Doster,

There being no objection,

Bill was amended by striking out the words "and within three miles of Franklin church, in Macon county," in the first section;

Bill thus amended, was passed.

On motion of Mr. Doster,

Title of bill was amended by striking out the words "and within three miles of Franklin church, in Macon county."

The following message was received from the Governor by his secretary, Mr. Atkinson:

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 8, 1873.

To the General Assembly of the State of Alabama:

GENTLEMEN :—The Constitution of the State (article nine, section one,) provides that "all taxes levied on property in this State shall be assessed in exact proportion to the value of such property."

The most casual observation of the statistics contained in the reports of the Auditor for several years past, renders it very obvious that our existing laws do not enforce this constitutional command ; nor can this duty be efficiently performed in the absence of a board of equalization for the State. At present, the assessments are made and equalized exclusively by officers who are elected in the counties respectively, and who may be supposed to be controlled by county views, influences and necessities. The county assessor can scarcely be presumed to be controlled by so high a sense of duty to the State, as to raise the scale of assessment on the property of those on whose votes his re-election depends, when board of equalization for the county is satisfied with returns made on a lower scale. And the board of equalization for the county, when the scale of assessment meets the financial wants of the county, can scarcely be expected to increase the valuation of the taxable property above the point that satisfies the wants of the county, with a view alone to increase the revenues of the State. They are made the custodians of the county revenue, and very naturally confine their solicitude to their special duty.

And thus, even when the rate of taxation is increased, all these influences have a direct tendency to cheapen the assessed valuation of property to the mere standard of county necessities.

I submit to your earnest consideration, that in determining the assessable valuation of the taxable property

of the State, and. to equalize the same throughout the State, that the burden of taxation may be constitutionally and equally adjusted, it is essential that a State board of equalization be created by law, with full authority to revise all assessments of property, and cause them to approximate a just and uniform standard of valuation. The examination of the statistics of our own State, and of other States, under the operation of such a system, induces the belief that the adoption of such a board will cause the same tax-bill to yield twenty-five per cent. more revenue than could be realized in its absence.

I respectfully suggest that the Senate of the State possesses the qualifications of such a board in a more eminent degree than could be found in any other body of men that could be assembled. And at their usual sessions a few days might be devoted to this important work, at the expense to the State of only their usual per diem while engaged, therein. It is believed that a supervision of the assessment biennially would place assessments on a proper and equitable basis. The first session should be held immediately after adjournment of the present session of the General Assembly.

I have the honor to be, your obedient servant,

DAVID P. LEWIS, Governor.

CALL OF THE DISTRICTS.

On a call of the districts, Senate resumed consideration of bill—

To repeal an act entitled An act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as relates to the counties of Walker, St. Clair and Jefferson ;

The question being on the substitute for the amendment,

The substitute was accepted.

Pending the consideration of which,

With leave, Mr. Hamilton, from the committee on the judiciary, reported favorably to

SENATE BILL

To repeal an act entitled An act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868 ;

Which report was concurred in,

And bill ordered to a third reading.

The amendment, thus amended, was lost.

Bill thus amended, was read a third time, and passed.

The following bills were introduced:

By Mr. Hewitt—

To repeal an act entitled An act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Chambers ;

Which bill was read twice, under suspension of the constitutional rule.

On motion of Mr. Doster,

Bill was amended so as to include the counties of Baker, Autauga and Elmore;

Bill, thus amended, was read a, third time forthwith, under suspension of the constitutional rule, and passed ;

The title of the bill was amended so as to include the counties of Baker, Autauga and Elmore.

By Mr. Martin—

To remove the administration of the estate of Joel Hawkins, deceased, from the county of Marion to the county of Sanford.

By Mr. Martin—

To repeal section 3939 of the Revised Code of Alabama.

By Mr. Terrell—

To repeal an act entitled An act to remove the administration of the estate of Oliver B. Bessinger, deceased, late of Coosa county, from the court of probate of Coosa county, to the probate court of Pike county, approved February 14, 1872.

By Mr. Glass—

To amend section first of an act entitled An act to prohibit the sale of spirituous liquors within three miles of the Methodist Episcopal church, at Warrior Stand, Macon county, approved February 8, 1873.

By Mr. Black—

To prohibit the sale of spirituous or vinous liquors within two miles of the Spring Hill station of the Montgomery and Eufaula railroad, in Barbour county ,

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Martin—

To amend section 3733 of the Revised Code of Alabama.

By Mr. Martin—

To extend the jurisdiction of justices of the peace and notaries public.

By Mr. Terrell—

To authorize probate courts to grant orders to executors, administrators and guardians, in certain cases, to sell real estate belonging to the estates of their decedents, or wards, at private sale.

By Mr. Black—

To amend section 1589 of the Revised Code of Alabama.

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Hewitt—

To authorize O. D. and A. S. Cook, as administrators. of the estate of W. R. Cook, deceased, and late of St. Clair county, to sell the lands of said estate at private sale, without an order of court.

By Mr. Martin—

For the relief of Mary M. Allen, wife of George W. Allen, of the county of Macon.

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Martin—

To amend an act entitled An act to amend the charter and change the name of the Montgomery Mechanical Association ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Black—

For the relief of James L. Daniel, of Barbour county ;

Which bill was read twice under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Black—

To make Anna Cannon, wife of Thomas J. Cannon, of Barbour county, Alabama, a free dealer ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Miller moved to amend by adding the name of Matilda A. Harrall, wife of Lewis Harrall, of Butler county ;

Which amendment was accepted ;

Bill, thus amended, was referred to committee on privileges and elections.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 8, 1873.

Mr. President :

I am directed, by the Governor to inform the Senate, that on the 7th instant he approved, and signed the following bills, originated in the Senate :

An act to authorize the city of Montgomery to issue bonds

An act to authorize the Governor of this State to fill vacancies which may occur in judicial offices in this State.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

By Mr. Black—

Joint resolution for the relief of Madison Smith, of Barbour county ;

Joint resolution was read twice, under suspension of the constitutional rule, and referred 10 the committee on privileges and elections.

REPORTS FROM STANDING COMMITTEES.

Mr. Pennington. from the committee on internal improvements, reported favorably to House Bill ——

To amend the charter of the Pensacola and Louisville Railroad company ;

The report was concurred in, and bill read a third time, Tinder suspension of the constitutional rule, and passed.

Mr. Doster, from the committee on privileges and elections, reported favorably to House bill—

To confer jurisdiction upon the chancery courts of the State to relieve minors over the age of eighteen years from the disbilitiees of non-age ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Ayes 16, noes 6.

Ayes— Messrs. Black, Carmichael, Dereen, Doster, Driesbach, Buskin, Edwards, Glass, Harris, Hewitt, Miller, Murphy, Pennington, Snodgrass, Terrell and Wilson—16.

Noes— Messrs. Curtis, Hamilton, Leftwich, Martin, Royal and Walton—6.

Also, from the same committee, favorably to House bill---

To confer upon the several chancery courts of this State power to declare married women free dealers ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Title of the bill was amended by inserting the words, "and probate" before the word "courts."

Also, from the same committee, favorably to Senate bill—

For the relief of certain persons in the county of Choctaw ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill—

For the relief of D. H. Zorn, of Barbour county, Alabama ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule.

Mr. Terrell moved to lay bill on the table ;

Which motion was lost;

Ayes 4, noes 18.

Ayes—Messrs. Pennington, Snodgrass, Terrell and Walton—4.

Noes— Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Hamilton, Harris, Hewitt, Jones, Leftwich, Martin, Royal and Wilson—18.

The bill was then passed.

Also, from the same committee, favorably to Senate bill—

For the relief of James D. Williford, of Tallapoosa county ;

The report was concurred in, and bill ordered to a third reading.

Also, from the same committee, adversely to Senate bills—

To make Mrs. Trissa T. Posey a free dealer ;

To authorize D. J. Burke, of Madison county, to peddle without license;

For the relief of M. B. Kelly, of the county of Escambia ;

Which adverse reports were severally concurred in.

Mr. Cooper, from the committee on municipal and county organizations, reported favorably to Senate bills—

To amend sections two and four of the charter of the city of Greenville ;

To punish the unlawful use of certain money, to be raised by the court of county commissioners of Madison county ;

To authorize the court of county commissioners for the county of Madison, and State to Alabama, to issue new bonds to pay off bonds of said county to fall due January 1st, 1874, and to levy a special tax to pay the interest on them ;

To amend sections 13, 14 and 15 of an act entitled An act to establish a new charter for the town of Union Springs, Bullock county. Alabama, approved March 1st, 1870;

To enable the court of county commissioners for Madison county to raise by taxation a sinking fund to pay the bonds of said county ;

To amend the charter of the town of Decatur, Morgan county ;

To incorporate the town of Ozark, in the county of Dale;

The reports were concurred in, and bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with an amendment to Senate bill—

To authorize the commissioners court of Madison county to pay a certain claim therein mentioned ;

The report was concurred in, and the amendment adopted;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Title of the bill was amended so as to read, " to authorize the commissioners courts of Madison and Pike counties to pay certain claims therein mentioned."

Also, from the same committee, favorably to Senate bill—

To change and straighten the line between the counties of Baker and Dallas ;

The report was concurred in, and the bill read a third time, under suspension of the constitutional rule, and passed ;

Ayes 23, noes 1.

Ayes—Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass,

Hamilton, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Pennington, Robinson, Royal, Terrell, Walton and Wilson—23.

Noes—Mr. Martin—1.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 7, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE JOINT RESOLUTION,

To be entitled as follows:

Relative to the appointment of an agent for the collection of the amount due from the United States to the State of Alabama, on account of lands in this State disposed of by military warrants and land scrip issued. for military services in the wars of the United States ;

And with amendment,

SENATE JOINT RESOLUTION,

To provide part payment of expenses by the commissioner to the Industrial Exposition at Vienna, to represent in due form and style the State of Alabama, and its resources, in accordance with the proclamation of the Governor, January 21st, 1873.

Also,

HOUSE BILL

To provide for repairs on the capitol building.

ROBERT BARBER,
Clerk of the House.

SPECIAL ORDER.

The hour of 12 o'clock having arrived, Mr. Doster in the chair, decided that Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish the means for their vindication, having been among the special orders for 12 o'clock, and

being unfinished business, came up. Friday having been set apart for the consideration of House messages, the bill did not lose its place on the calendar of special orders, and being unfinished business had the preference.

Mr. Terrell appealed from said decision ;

And the question being,

"Shall the decision of the chair be sustained ?"

The chair was sustained.

On motion of Mr. Curtis,

The further consideration of the bill was postponed until 12 o'clock Wednesday next, and it was made the special order for that hour.

The second special order for 12 o'clock then came up, it being Senate bill—

For the relief of Mary 0. Beach, wife of George F. Beach, of Dallas county, vetoed by His Excellency the Governor;

The question being,

"Shall the bill pass, notwithstanding the veto of the Governor ?"

Senate refused to pass the bill;

Ayes 0, noes 21.

Noes—Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Poster, Driesbach, Duskin, Edwards, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Pennington, Robinson, Royal and Wilson—21.

Mr. Cooper, from the committee on municipal and county organizations, to which was referred a memorial in behalf of the public hospital of the city of Mobile, reported a bill—

In aid of the city hospital at Mobile ;

The report was concurred in ;

Ayes 14, noes 9.

Ayes—Messrs. Cooper, Cunningham, Curtis, Dereen, Driesbach, Glass, Hamilton, Harris, Hewitt, Leftwich, Miller, Pennington, Walton and Wilson—14.

Noes—Messrs. Carmichael, Doster, Edwards, Martin, Murphy, Robinson, Royal, Snodgrass and Terrell—9.

Bill was read a first time and ordered to a second reading.

Also, from the same committee, favorably to Senate bill—

To repeal an act entitled An act to add a part of Baker county to Dallas county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed ;

Ayes 18, noes 1.

Ayes — Messrs. Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Harris, Hewitt, Miller, Murphy, Pennington, Robinson, Royal, Snodgrass and Walton—18.

Noes—Mr. Martin—1.

Also, from the same committee, favorably to Senate bill and amendments—

To declare Mrs. Mina Buhler, wife of Louis Buhler, of Dallas county, a free dealer ;

On motion of Mr. Royal,

The further consideration of the report and bill was postponed until 12 o'clock Monday next, and they were made the special order for that hour.

Also, from the same committee, favorably, with an amendment, to the Senate bill—

To amend the sixth section of an act entitled An act to incorporate the city of Birmingham, in Jefferson county, approved December 19, 1861 ;

The report was concurred in, and amendment adopted ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed

At twenty minutes before 2 o'clock, Mr. Robinson moved to adjourn ;

Mr. Doster, in the chair, decided that under the rules of the Senate the motion was out of order at that time ;

Mr. Robinson appealed from that decision, and the question being,

"Shall the decision of the chair be sustained?"

The chair was sustained.

Also, from the same committee, favorably to the Senate bill—

To repeal an act entitled An act to add a part of Baker county to Dallas county, approved December 15, 1869 ;

The report was concurred in, and the bill read a third time, under suspension of the constitutional rule, and passed ;

Ayes 22, noes 1.

Ayes—Messrs. Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Hamilton, Harris, Hewitt, Jones, Leftwich, Miller, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—22.

Noes—Mr. Martin—1.

Also, from the same committee, favorably, with amendment, to Senate bill—

In relation to orphan asylums in this State ;

The report was concurred in, and the amendment adopted.

On motion of Mr. Hamilton,

The further consideration of the bill was postponed.

Mr. Hewitt, from the committee on militia, reported a substitute for Senate bill—

To amend section four hundred and twenty-nine of the Revised Code of Alabama ;

Pending the consideration of which, the hour of 2 o'clock having arrived,

Senate adjourned until Monday at 12 o'clock.

MONDAY, March 10, 1873.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Hamilton, Harris, Little, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Terrell, Walton and Wilson—23.

Journal of yesterday was read and approved.

GOVERNOR'S VETO MESSAGE

The following veto message from his Excellency the Governor, was read :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT, Montgomery, March 7, 1873.

To the President and Senate
of the State of Alabama :

GENTLEMEN—I have the honor to return to your honorable body "An act to amend section 12 of an act entitled an act to incorporate the Mobile and Ohio Railroad company, approved February 3, 1848," with my objections to the same.

This act provides "that it shall be lawful for the corporation hereby incorporated in acknowledgment and liquidation of its debts and liabilities it may contract in the prosecution to its lawful business, whether for wages, labor, materials or supplies, to draw checks or drafts on

any bank or banks in the city of Mobile, with which said railroad company may make an arrangement therefor, in such amounts as may be convenient for the carrying on of their business, and. at sight, or demand, or at a given. time, &c."

While there is no such avowal in the bill, it is still very manifest that the purpose is to allow the corporation to issue its "drafts and checks" to circulate as money. If its purpose had been merely to declare that the corporation might draw its checks on its bankers in favor of its creditors to be met on presentation by funds on deposit, It would have been a superfluous enactment. But these drafts may be made payable at sight, or demand, or at a given time," and the only limitation to the amount is "the debts and liabilities of the drawer in the prosecution of its lawful business." The bill contemplates no provision or security for their payment either in the way of deposit or penalty.

It is to be observed that the holders of the issues are left alone to the voluntary provisions which the corporation may make for their prompt payment. While the receipts of the road for freight and travel would afford a reasonable guarantee that a considerable amount of drafts and checks would be kept in circulation, yet the well known instincts of all banks of circulation, for their profit, tend to their indefinite expansion. And periods of prosperity which invite expansion are followed by stringency, depression and distrust, stagnation of business and pecuniary convulsions. And when it is remembered that the class of the community in whose possession the mass of these checks and drafts will be found are the persons who supply the labor, supplies and materials on and along the localities of the road, we see that the sufferers will be those who are the least able to bear it. Whenever there are two media in circulation in a community, that which is most valuable will be retired. I assume on all experience that such crises will occur, and that legislation should guard against the loss which usually attends them, and if the Mobile and Ohio Railroad company be permitted to issue such drafts or checks, it would be difficult to assign any reason why the other railroads of the State should be refused the same privilege. But, it is respectfully submitted, that the provisions of the bill above commented on are repugnant to the State Constitution. The sixth section of the thirteenth article of the Constitution provides that : " The General Assembly shall not

have power to establish or incorporate any bank or banking company, or monied institution, for the purpose of issuing bills of credit, or bills payable to order, or bearer, except under the conditions prescribed in this Constitution." Sections seven to eleven, both inclusive, prescribe conditions for obtaining charter, the method of issuing its notes and checks on the same, the security provided for the note-holders, and the limit to the time of the charter, all of which are disregarded in this bill.

There is, furthermore, grounds for serious doubt whether the bill contains " but one subject," which is " clearly expressed in its title," as section two of article four of the Constitution requires.

I find myself, therefore, unable, from considerations both of expediency and constitutional law, to approve the act, and most respectfully return the same to your honorable body, in which it originated, for your further consideration.

I have the honor to be,

Your obedient servant,

DAVID P. LEWIS,

Governor.

On motion of Mr. Hamilton,

The further consideration of the bill and message was postponed until 1 o'clock, p. m., to-morrow, and they were made the special order for that hour.

On motion of Mr. Hamilton, Senate joint resolution—

Providing part payment of expenses of the commissioner to the International Exposition at Vienna, to represent in due form and style the State of Alabama and its resources, in accordance with the proclamation by the Governor, January 21, 1873, was taken up ;

The amendment of the House to the joint resolution, was concurred in.

Mr. Terrell, with leave, offered the following resolutions, which lie over one day, under the rules of the Senate—

Be it resolved by the Senate, That from and after the adoption of this resolution, the Senate shall hold its sessions commencing at the hour of 10 a. m. each day.

Be it further resolved, That all rules heretofore adopted and now in force, prescribing the hours for the convening of the Senate and the holding of its sessions, be and the same are hereby rescinded and annulled.

Mr. Pennington, with leave, offered the following resolution :

Resolved, That the judiciary committee of the Senate be and they are hereby directed to prepare and report a bill providing for a State board of equalization ;

Mr. Robinson offered the following amendment,

Which was accepted :

Provided, They deem it expedient to do so ;

Resolution, thus amended, was adopted.

On motion of Mr. Pennington,

The special message of the Governor, on the subject of the State board of equalization, was referred to the committee on the judiciary.

SPECIAL ORDER.

The special order set for 12 o'clock came up, it being Senate bill—

To declare Mrs. Mina Buhler, wife of Louis Buhler, of Dallas county, a free dealer ;

The question being on concurring in the report of the committee,

The report was concurred in.

Mr. Snodgrass moved to amend the bill by including Mrs. Anna Williams, wife of J. A. B. Williams, of Jackson county.

On motion of Mr. Duskin,

Bill and amendment were laid on the table.

CALL OF THE DISTRICTS.

On the call of the districts,

The following bills were introduced :

By Mr. Doster—

For the relief of persons arrested on criminal process ;

By Mr. Doster—

To regulate the time for trial of civil cases,

And to amend sections 2660, 2661, 2772 and 2998 of the Revised Code ;

By Mr. Doster—

To require all fines and forfeitures to be paid in money ;

By Mr. Doster—

To amend section 1 of an act entitled An act to suppress murder, lynching and assaults and batteries, approved December 28, 1868.

By Mr. Wilson—

To admit American citizens, who have studied law in the legal institutions of France, Germany or England,

and who have been admitted to practice in the superior courts of either of these respective countries, to practice in the several courts of Alabama ;

By Mr. Wilson—

To authorize the commissioners' court of Montgomery county to settle with William Falconer, late tax collector of said county, and the sureties on his official bond.

By Mr. Duskin—

To amend sections 2181 and 2187 of the Revised Code of Alabama.

By Mr. Dereen—

To amend section 1175 of the Revised Code of Alabama.

By Mr. Miller—

To incorporate the Greenville Male and Female High School, of Butler county ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Doster—

For the relief of W. T. and O. H. McWilliams, of the county of Elmore.

By Mr. Duskin—

To authorize Sarah W. Dugger, of Hale county, to sell, as administratrix of the estate of Henry B. Dugger, deceased, certain real estate therein named ;

Which bills were severally read twice, under suspenson of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Doster—

For the relief of Catherine Dent, a minor ;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Martin, Doster and Edwards.

By Mr. Dereen—

To amend section 3614 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Wilson—

Authorizing the city council of Montgomery to condemn and purchase real estate, as therein provided ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Wilson—

To encourage the extension of railroads in the State of Alabama ;

Which bill wag read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Wilson—

To regulate the sale of kerosene, and other mineral or vegetable oils used for lights in the State of Alabama ;

Which bill was read twice under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Dereen—

To regulate the time of the meeting of the board of equalization of Marengo county ;

By Mr. Dereen—

To repeal an act entitled An act to amend an act entitled an act to incorporate the city of Demopolis, approved January 18, 1872.

By Mr. Walton—

For the relief of Seth J. Parker, tax collector of Clarke county.

By Mr. Miller—

To incorporate the town of Evergreen, Conecuh county;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

On motion of Mr. Haralson,

Bill—

To declare Mrs. Mina Buhler, wife of Louis Buhler, of Dallas county, a free dealer,

Was taken from the table ;

The question being on the adoption of the amendment,

It was adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Title of the bill was amended by adding the names of the parties mentioned in the bill.

With leave, Mr. Martin, from the committee on local legislation, reported a substitute for Senate bill—

To repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama.

On motion of Mr. Terrell,

The report and bill were laid on the table ;

Ayes 15, noes 10.

Ayes — Messrs. Carmichael, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Ervin, Hamilton, Harris, Little, Parks, Terrell and Walton—15.

Noes—Messrs. Dereen, Haralson, Jones, Martin, Miller, Murphy, Robinson, Royal, Snodgrass and Wilson—10.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed :

SENATE CHAMBER,
March 10, 1873.

Mr. President:

The committee on engrossed bills have instructed me to report the following bills as correctly engrossed :

A bill to repeal an act entitled An act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as the same relates to the counties of Chambers, Baker, Autauga and Elmore ;

A bill to remove the administration of the estate of Joel Hawkins, deceased, from the county of Marion to the county of Sandford ;

A bill to repeal an act entitled An act to add a part of Baker county to Dallas county ;

A bill to repeal section 3939 of the Revised Code of Alabama ;

A bill to punish the unlawful use of certain money, to be raised by the court of county commissioners of Madison county;

A bill to repeal an act entitled An act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as the same relates to the counties of Walker, St. Clair and Jefferson ;

A bill to authorize the court of county commissioners for the county of Madison and State of Alabama, to issue new bonds to pay off bonds of said county to fall due January 1, 1874, and to levy a special tax to pay the interest on them;

A bill to regulate property exempted from sale for the payment of debts ;

A bill to amend sections 13, 14 and 15 of an act entitled an act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1, 1872 ;

A bill to amend section two and four of the charter of the city of Greenville ;

A bill to authorize the commissioners court of Pike and Madison counties to pay certain claims therein mentioned ;

A bill to amend, section one of an act entitled An act to prohibit the sale of spirituous liquors within three miles of the Methodist Episcopal church at Warrior Stand, in Macon county ;

A bill for the relief of certain persons in the county of Choctaw ;

A bill for the relief of D. H. Zorn, of Barbour county, Alabama;

A bill to prohibit the sale of spirituous or vinous liquors within two miles of Spring Hill station, of the Montgomery and Eufaula Railroad, in Barbour county ;

A bill to repeal an act entitled An act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868 ;

A bill to enable the court of county commissioners for Madison county to raise by taxation a sinking fund to pay the bonds of said county ;

A bill to change and straighten the line between the counties of Baker and Dallas ;

A bill for the relief of S. J. Parker, tax collector of Clarke county ;

A bill to regulate the time of meeting of the board of equalization of Marengo county;

A bill to repeal an act entitled An act to amend an act entitled an act to incorporate the city of Demopolis, approved January 18, 1873.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled the following joint resolutions :

Joint resolution,

To provide part payment of expenses by the commissioner to the International Exposition at Vienna, to represent in due form and style the State of Alabama and its resources, in accordance with the proclamation by the Governor, January 21, 1873 ;

Joint resolution,

Relative to the appointment of an agent for the collection of the amount due from the United States to the State of Alabama on account of lands in this State disposed of by military warrants and land scrip issued, for military services in the wars of the United States.

With leave, Mr. Hamilton, from the committee on the judiciary, reported favorably to Senate bill—

To ratify certain acts, judgments and other proceedings therein mentioned;

Which report was concurred in;

On motion, the further consideration of the bill was postponed until 4 o'clock, p. m., to-morrow, and it was made the special order for that hour.

With leave, Mr. Parks, from the committee on municipal and county organizations, reported favorably, with amendment, to House bill—

To incorporate the town of Alabama Furnace in the county of Talladega ;

The report was concurred In, and the amendment adopted ;

Bill was read a third time, under suspension of the constitutional rule;

Pending the consideration of the passage of the bill, the hour of 3 o'clock having arrived,

Senate took a recess until 4 o' clock, p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Senate resumed consideration of House bill—

To incorporate the town of Alabama Furnace, in the county of Talladega ;

The question being on its passage,

Bill was passed.

With leave, Mr. Parks, from the committee on municipal and county organizations, reported favorably to House bill—

To incorporate the town of Tuskegee, in the county of Macon, and for other purposes ;

The report was concurred in, and

Bill read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Doster,

Senate bill—

To regulate the rate of interest in this State,

Was taken up and made the special order for 4 o'clock p. m. to-morrow.

On motion of Mr. Pennington,

The committee on internal improvements were requested to report back at half past 4 o'clock Wednesday next, Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds to the various railroad companies of this State,

And it was made the special order for that hour.

Mr. Doster called up Senate bill—

To amend an act entitled An act to incorporate the Tuskegee Female college, approved February 2, 1854 ;

Bill was read a third time, under suspension of the constitutional rule, and passed.

REPORTS FROM STANDING COMMITTEES.

Senate resumed consideration of the report of the committee on the militia, to Senate bill—

To amend section 429 of the Revised Code of Alabama ;

The report was concurred in,

And the substitute adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Ervin, from the committee on finance and taxation, reported favorably to the following House bills and joint resolutions:

To pay William Murphy, witness in contested election cases, in Marengo county :

To limit and define the ex-officio fees of the judge of probate, sheriff and circuit clerk in the counties of De-Kalb and Covington ;

To compensate Thos. Harrison, late sheriff of Shelby county, for feeding certain prisoners ;

Joint resolution—

Authorizing the State Auditor to draw his warrant in favor of J. R. Wing, for $83.75-100 ;

Which bills and joint resolution were severally read a third time, under suspension of the constitutional rule, and passed.

Mr. Hamilton, from the committee on the judiciary, reported favorably, with amendment, to House bill—

To establish a city court for the county of Lee, with criminal and civil jurisdiction, &c. ;

Which report was concurred in.

Mr. Robinson moved to lay the amendment on the table ;

Which motion was lost ;

Ayes 5, noes 14.

Ayes—Messrs. Ervin, Parks, Robinson, Terrell and Walton—5.

Noes— Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Poster, Driesbach, Edwards, Hamilton, Haralson, Harris, Pennington, Royal and Wilson—14.

Mr. Pennington moved to amend as follows :

SEC. 3. Be it further enacted, That the first election for a judge for the court created by the provisions of this

act shall he held on the first Tuesday after the first Monday in November, 1874, and the Governor shall appoint a judge for the said court, who shall have the power to appoint a clerk, and organize the said court within thirty days after the approval of this act ; and such judge and clerk shall hold their offices until their successors, to be elected at the general election in 1874, shall have qualified : Provided, No one shall be either elected or appointed, and exercise the office of such city judge, who has not been in the active practice of the law in this State lor the period of five years.

On motion of Mr. Carmichael,

Mr. Pennington's amendment was laid on the table.

Mr. Black moved to lay the bill on the table ;

Which motion was lost;

The amendment reported by the committee was adopted.

Mr. Robinson offered the following amendment:

Provided, That said court shall not be organized until after the election in November, 1873.

On motion of Mr. Pennington,

The amendment was laid on the table ;

Ayes 14, noes 11.

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Doster, Edwards, Haralson, Harris, Miller, Murphy, Pennington, Royal, Terrell and Wilson—14.

Noes—Messrs. Cooper, Cunningham, Driesbach, Ervin, Hamilton, Little, Martin, Parks, Robinson, Snodgrass and Walton—11.

Mr. Terrell save notice that he would move to reconsider the vote just taken ;

Pending the consideration of bill,

Senate adjourned until 10:15 o'clock to-morrow.

———

TUESDAY, March 11,1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Hamilton, Haralson, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, and Walton—25.

Journal of yesterday was read and approved.

On motion of Mr. Terrell,

Resolution fixing the hours for the Senate to commence its session of each day was taken up.

Mr. Dereen moved, to amend by striking out "ten" and inserting " ten and a quarter.

Mr. Doster moved to suspend the further consideratiod of the resolution until Thursday next;

Which motion was lost.

On motion of Mr. Hewitt,

The resolution was indefinitely postponed ;

Ayes 17, noes 13.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin, Harris, Hewitt, Leftwich, Robinson, Snodgrass and Wilson—17.

Noes—Messrs. Dereen, Duskin, Haralson, Jones, Little, Martin, Miller, Murphy, Parks, Pennington, Royal, Terrell and Walton—13.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 11, 1873,

Mr. President:

I am directed by the Governor to inform the Senate, that on the 10th instant he approved and signed the following joint resolutions, originating in the Senate :

Joint resolution—

Relative to the appointment of an agent for the collection of the amount due from the United States to the State of Alabama, on account of lands in this State disposed of by military warrants and land scrip issued for military services in the wars of the United States ;

Joint resolution—

To provide part payment of expenses by the commissioner to the International Exposition at Vienna, to represent, in due form and style, the State of Alabama and its resources, in accordance with the proclamation by the Governor, January 21, 1873.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

BILLS INTRODUCED.

With leave, Mr. Robinson introduced bill—

To fix the time of holding the chancery courts in the 6th district of the eastern chancery division, composed of the county of Macon ;

Bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Robinson, Pennington and Harris.

LOCAL LEGISLATION.

With leave, Mr. Martin, from the committee on local legislation, reported favorably to House bill—

To relieve William V. Johnson, of the county of Pickens,, of the disabilities of non-age ;

The report was concurred in,

And the bill read a third time, under suspension of the constitutional rule, and passed.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To provide for repairs on the capitol building,

Was read twice, Tinder suspension of the constitutional rule, and referred to the committee on industrial resources and public buildings.

BILLS ON THIRD READING.

Senate bill—

To appropriate all taxes collected upon licenses in the city of Birmingham to the public school fund of said city,

Was taken up ;

The question being on the motion to recommit bill to committee on education,

It was carried.

Senate bill—

To repeal an act entitled An act to incorporate the town of Youngsville, in the county of Tallapoosa, approved February 5, 1872,

Was read a third time ;

On motion of Mr. Terrell,

Bill was laid on the table.

Senate bills—

To secure to the different counties of the State a proportionate share of the public school money ;

To distribute certain copies of Brickell's Digest;

For the relief of the sureties of Wm. Falconer ;

To amend section 2925 of the Revised Code of Alabama ;

To repeal an act to regulate the chancery courts in the 5th district of the southern chancery division of the State of Alabama, approved December 16, 1871 ;

To repeal section 1389 of the Revised Code of Alabama, so far as the same applies to the county of Elmore ;

To repeal an act entitled An act to repeal an act to authorize writs of garnishment against incorporated cities etc. ; and to repeal an act entitled An act to repeal an act to authorize writs of garnishment against incorporated cities, towns and villages ;

To empower the register in chancery of the 4th district, in the southern chancery division of Alabama, to make reports of sales of lands made by a former register ;

To amend section 1833 of the Revised Code ;

To prevent an improper use of fire-arms ;

To authorize the collection of debts for labor and service rendered for the benefit of trust estates ;

To amend section 87 of the Revised Code .of Alabama ;

To allow persons whose property is alleged to have been injured or destroyed, under sections 3733, 3734, 3735, 3736 and 3737 of the Revised Code of Alabama, to be competent witnesses;

For the relief of Samuel Edmondson, county treasurer of Etowah county ;

To repeal an act entitled An act to secure complete records in the courts of this State, approved December 10, 1868 ;

For the relief of D. A. Moniac, tax collector of Baldwin county ;

For the relief of the Alabama Central railroad ;

To repeal the inspection laws of this State ;

To repeal an act entitled An act to suppress murder, lynching and assaults and batteries, approved December 28, 1868 ;

Were severally read a third time, and passed.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour came up, it being Senate bill—

For the protection of tax payers.

On motion of Mr. Cobb,

The further consideration of the bill was suspended for the purpose of disposing of the bills on a third reading.

Senate bill—

To amend section 3704 of the Revised Code of Alabama,

Was read a third time.

Mr. Pennington moved to re-commit bill to the committee on penitentiary, prisons and punishments ;

Which motion was lost;

Ayes none, noes 27.

Ayes—None.

Noes— Messrs. Black. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Hamilton, Harris, Hewitt, Leftwich, Little, Martin, Murphy, Parks, Pennington, Robinson, Snodgrass, Terrell, Walton and Wilson—27.

Bill was then passed.

Senate bill—

For the protection of sheep,

Was read a third time and passed ;

Ayes 19, noes 8.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Hamilton, Haralson, Hewitt, Harris, Leftwich, Miller, Murphy, Pennington, Royal, Walton and Wilson—19.

Noes—Messrs. Driesbach, Edwards, Little, Martin, Parks, Robinson, Snodgrass and Terrell—8.

Senate bill—

To prohibit the public officers in this State from dealing in State claims,

Was read a third time.

Mr. Terrell moved to re-commit bill to the committee on the judiciary;

Which motion was lost;

Bill was then passed ;

Ayes 25, noes none.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Ervin, Haralson, Harris, Hewitt, Leftwich, Little, Murphy, Parks, Pennington, Robinson, Snodgrass, Terrell, Walton and Wilson—25.

Noes—None.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 11, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested, Senate joint resolution to be entitled as follows :

Making additional appropriation to pay the funeral expenses of the Hon. W. J. Gilmore, deceased.

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate joint resolution to be entitled as follows :

For the relief of the administrator of the estate of Newton L. Whitfield, deceased ;

Also, Senate bill, with amendment:

To amend sections 4, 9 and 14 of an act entitled an act in relation to the chancery courts in Alabama.

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills to be entitled as follows:

For the relief of Peter Menefee and Judy Menefee, of Lee county;

To prohibit the sale of spirituous or vinous liquors within an area of five miles of "Stonewall Iron Works" in Cherokee county, in this State ;

To authorize the commissioners' court of Pike and Madison counties to pay certain claims therein mentioned ;

Requiring the sureties on official bonds of the county officers of Baldwin county to reside in said county ;

To change the line between the counties of Barbour and Russell;

To authorize the court of county commissioners of Madison county to pay for fuel used in offices of Judge of probate, sheriff and clerk of circuit court of said county ;

To repeal an act entitled An act to pay the board of equalization of Madison county, approved March 3,1870;

To regulate the sessions and practice of the circuit court of Clarke county ;

To repeal an act therein named and described ;

To regulate the fees of the sheriff of Bullock county, in certain cases ;

To authorize William O. Winston, administrator of the estate of Turner Reavis, deceased, late of Sumter county, and his successors in said office, to sell the library and lands of said intestate, at public or private sale ;

For the relief of J. S. Davis and M. E. Davis, of Chambers county ;

Has also concurred in Senate amendment to House bills, entitled as follows :

To incorporate the town of Clayton, in the county of Barbour;

To prohibit the sale of whisky in five miles of Scottsboro, in Jackson counts.

Also, the following House bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To repeal section 1374 of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Randolph, Dallas and Madison ;

To repeal an act to amend section 1323 of the Revised Code, so far as relates to Blount county ;

To fix the limits for holding the chancery courts in the western chancery division ;

To repeal an act entitled An act to amend section 4345 of the Revised Code of Alabama, approved January 30, 1870, so far as relates to the county of Winston ;

For the protection of grand jurors ;

To protect female and minor laborers in factories ;

For the relief of Presley W. Donaldson, of Montgomery county;

For the relief of the widow and legatees under the will of the late W. H. Bullock, deceased ;

To amend subdivision three of section 926 of the Revised Code of Alabama ;

Requiring the probate judge of Calhoun county to hold a county court ;

To prevent the hiring out of convicts, beyond the county in which they are convicted ;

To exempt the judge of probate, register in chancery, and attorneys in Pickens county, from the provisions of an act entitled An act to prohibit attorneys in certain cases from practicing their professions in the probate and chancery courts, approved February 11, 1871 ;

To allow Mrs. Mary B. Fannin, of Pike county, Alabama, to sell a house and lot in the city of Troy, Alabama ;

To regulate the keeping of records of the probate courts of Greene and Jackson counties ;

To increase the pay of bailiffs.

ROBERT BARBER,
Clerk of the House.

Senate bill—

To authorize railroad companies, chartered by the State, to lease their roads,

Was taken up.

On motion of Mr. Martin,

Bill was referred to a select committee of five, consisting of Messrs. Martin, Duskin, Little, Wilson and Hamilton,

With instructions to report it back to the Senate Thursday next, at 13 o'clock,

And it was made the special order for that hour.

SPECIAL ORDER.

At one o'clock, the special order set for that hour came up, it being Senate bill—

To amend section 12 of an act entitled An act to incorporate the Mobile and Ohio Railroad company, approved February 3, 1848, vetoed by his Excellency, the Govern or.

Pending the consideration of bill,

The hour of twelve having arrived,

The Senate took a recess until 4 o'clock p. m.

———

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Senate resumed consideration of Senate bill—

To amend section 12 of an act entitled An act to incorporate the Mobile and Ohio Railroad company, approved February 8, 1848, vetoed by his Excellency, the Governor.

The question being,

"Shall the bill pass, notwithstanding the veto of the Governor ?"

Senate passed the bill ;

Ayes 23, noes 1.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Ed-

wards, Ervin, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Martin, Robinson, Royal, Snodgrass, Terrell and Walton—23.

Noes—Mr. Parks.

On motion of Mr. Coleman,

Senate bill to amend sections 4, 9, and 14 of an act entitled An act in relation to the chancery courts of Alabama, was taken up ;

The amendment of the House to the bill was concurred. in.

On motion of Mr. Coleman,

SENATE JOINT RESOLUTION,

Making additional appropriation to pay the funeral expenses of the Hon. W. J. Gilmore, deceased, was taken up ;

The amendment of the House to the joint resolution was concurred in.

RESOLUTION.

With leave, Mr. Martin offered the following resolution,

Which was adopted :

Resolved, That a special committee of five be appointed to confer with the superintendent and treasurer of the Alabama Insane hospital, with a view to suggesting by bill or otherwise means of relief for the embarrassed financial condition of that institution.

Thereupon, Mr. President appointed Messrs. Doster, Ervin, Pennington, Cobb and Haralson as said committee.

SPECIAL ORDER.

At the hour of 4 o'clock, the special order set for that hour came up, it being Senate bill—

To ratify certain acts, judgments and other proceedings therein mentioned ;

On motion, the further consideration of the bill was postponed until Thursday next, at 11 o' clock a. m., and it was made the special order for that hour ;

On motion of Mr. Parks,

Senate bills—

For the protection of tax payers ;

To regulate the rate of interest in this State ;

Were made special orders for one o'clock to-morrow.

FEDERAL RELATIONS.

With leave, Mr. Cobb, from the committee on Federal relations, reported, favorably to Senate bill—

To continue in force an act entitled An act to re-enact and amend an act to incorporate the Alabama Savings bank of Montgomery, approved February 12, 1867, with an amendment to the second section of said act ;

Which report was concurred in.

Mr. Hewitt moved to strike out the words "ten per cent." where they occur in the bill.

On motion of Mr. Pennington—

The motion was laid on the table ;

Ayes 16, noes 12.

Ayes—Messrs. Cobb, Cooper, Cunningham, Dereen, Driesbach, Duskin, Ervin, Hamilton, Haralson, Leftwich, Little, Martin, Pennington, Royal, Terrell and Wilson—16.

Noes—Messrs. Black, Carmichael, Coleman, Curtis, Doster, Edwards, Harris, Hewitt, Parks, Robinson, Snodgrass and Walton—12.

Mr. Hewitt moved to lay bill on the table ;

Which motion was lost;

Ayes 9, noes 18.

Ayes—Messrs. Carmichael, Coleman, Doster, Harris, Hewitt, Little, Parks, Robinson and Walton—9.

Noes—Messrs. Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Hamilton, Haralson, Leftwich, Martin, Pennington, Royal, Snodgrass, Terrell and Wilson—18.

Mr. Hewitt moved to postpone the further consideration of the bill until Monday next.

On motion of Mr. Terrell,

The motion was laid on the table.

Mr. Terrell moved to suspend the constitutional rule, to give bill a third reading forthwith ;

Which motion was lost.

Bill, as amended, was ordered to a third reading.

Also, from the same committee, favorably to Senate bill—

To amend section two of an act entitled An act to incorporate the Selma Savings association ;

The report was concurred in, and the bill ordered to a third reading.

Also, from the same committee, favorably to Senate bill —

FEDERAL RELATIONS.

With leave, Mr. Cobb, from the committee on Federal relations, reported, favorably to Senate bill—

To continue in force an act entitled An act to re-enact and amend an act to incorporate the Alabama Savings bank of Montgomery, approved February 12, 1867, with an amendment to the second section of said act ;

Which report was concurred in.

Mr. Hewitt moved to strike out the words "ten per cent." where they occur in the bill.

On motion of Mr. Pennington—

The motion was laid on the table ;

Ayes 16, noes 12.

Ayes—Messrs. Cobb, Cooper, Cunningham, Dereen, Driesbach, Duskin, Ervin, Hamilton, Haralson, Leftwich, Little, Martin, Pennington, Royal, Terrell and Wilson—16.

Noes—Messrs. Black, Carmichael, Coleman, Curtis, Doster, Edwards, Harris, Hewitt, Parks, Robinson, Snodgrass and Walton—12.

Mr. Hewitt moved to lay bill on the table ;

Which motion was lost;

Ayes 9, noes 18.

Ayes—Messrs. Carmichael, Coleman, Doster, Harris, Hewitt, Little, Parks, Robinson and Walton—9.

Noes—Messrs. Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Ervin, Hamilton, Haralson, Leftwich, Martin, Pennington, Royal, Snodgrass, Terrell and Wilson—18.

Mr. Hewitt moved to postpone the further consideration of the bill until Monday next.

On motion of Mr. Terrell,

The motion was laid on the table.

Mr. Terrell moved to suspend the constitutional rule, to give bill a third reading forthwith ;

Which motion was lost.

Bill, as amended, was ordered to a third reading.

Also, from the same committee, favorably to Senate bill—

To amend section two of an act entitled An act to incorporate the Selma Savings association ;

The report was concurred in, and the bill ordered to a third reading.

Also, from the same committee, favorably to Senate bill —

Mr. Terrell moved to postpone the further consideration of the bill until Monday next at 12 o'clock, and make it the special order for that hour ;

Which motion was lost.

Ayes 2, noes 24.

Ayes—Messrs. Driesbach and Terrell —2.

Noes—Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Edwards, Ervin, Hamilton, Haralson, Harris, Hewitt, Little, Martin, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—24.

Mr. Terrell moved to lay the bill on the table;

Which motion was lost;

Ayes 4, noes 23.

Ayes—Messrs. Driesbach, Parks, Robinson and. Terrell —4.

Noes—Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Edwards, Ervin, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Martin, Pennington, Royal, Snodgrass, Walton and Wilson—23.

Bill was then passed ;

Ayes 22, noes 5.

Ayes—Messrs. Black, Carmichael, Cobb, Cooper, Curtis, Dereen, Doster, Duskin, Edwards, Ervin, Hamilton, Haralson, Harris, Hewitt. Leftwich, Little, Martin, Pennington, Royal, Snodgrass, Walton and Wilson—22.

Noes— Messrs. Driesbach, Cunningham, Parks, Robinson and Terrell—5.

Title of bill was amended so as to read—

Bill to provide for the revision, digesting and promulgation of all the public statutes of this State, both civil and criminal.

REVISION OF THE LAWS.

With leave. Mr. Haralson, from the committee on the revision of the laws, reported favorably to Senate bill—

For the protection to agricultural laborers ;

Which report was concurred in.

On motion of Mr. Cooper,

Bill was referred to a select committee, consisting of Messrs. Pennington, Cobb and Haralson.

INTERNAL IMPROVEMENTS.

With leave, Mr. Pennington, from the committee on internal improvements, reported favorably, with an amendment, to Senate bill—

To amend sections 4 and 7 of an act entitled An act to incorporate the Alabama Mining and Manufacturing company, approved February 19, 1867;

The report was concurred in,

And the amendment adopted.

On motion of Mr. Haralson,

The further consideration of the bill was postponed until Thursday next, at 12 o'clock, and it was made the special order for that hour.

BILLS INTRODUCED.

The following bills were introduced :

By Mr. Wilson—

For the relief of Goldthwaite, Rice and Semple ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Cobb—

To amend section 2032 of the "Revised Code ;

Which bill was read twice, under suspension of the constitutional rule, and passed.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed ;

A bill to incorporate the town of Evergreen, Conecuh county ;

A bill to amend the 6th section of an act entitled An act to incorporate the city of Birmingham, in Jefferson county ;

A bill to declare Mrs. Mina Buhler, wife of Lewis Buhler, of Pallas county, Mrs Anna Williams, wife of J. A. B. Williams, of Jackson county, Mrs. Mary Spencer, wife of A. S. Spencer, of Jefferson county, and Mrs Emoline Finley, wife of William P. Finley, of Chambers county, free dealers ;

A bill to incorporate the town of Ozark, in the county of Dale;

A bill to amend section 429 of the Revised Code of Alabama;

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled—

An act to regulate the sessions and practice of the circuit court of Clarke county.

On motion of Mr. Pennington,

Senate adjourned until 10:15 o'clock to-morrow.

WEDNESDAY, March 12, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwinn, of Montgomery.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Glass, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Pennington, Robinson, Snodgrass, Terrell, Walton and Wilson—26.

The journal of yesterday was read and approved;

CALL OF THE DISTRICTS.

On a call of the districts, the following bills and joint resolutions were introduced:

By Mr. Coleman—

To regulate "qui tam " actions in this State;

By Mr. Murphy—

To regulate proceedings in bastardy ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Carmichael—

To establish a State board of health;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Hewitt—

To authorize David L. Brooks, administrator of the estate of Abraham W. Brooks, deceased, to sell the lands of said estate at private sale;

By Mr. Hewitt—

To authorize W. J. MacDonald, of Jefferson county, to sell certain real estate therein mentioned, belonging to his ward;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Hewitt—

To regulate the fees of the several judges of probate of this State, in certain cases therein mentioned;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Carmichael—

For the relief of Nancy Crow, widow of W. J. Crow, deceased.

By Mr. Edwards—

To authorize D. A. Hendricks, treasurer of Blount county, to keep his office two and-a-half miles from the town of Blountsville, the county site of said county ;

By Mr. Coleman—

To repeal an act entitled An act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as relates to the counties of Limestone and Lauderdale ;

By Mr. Terrell—

To authorize the counties of Coosa and Clay to issue bonds ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Edwards—

Joint resolution for the relief of Lewis Hobart, agent of Mr. S. Hobart ;

Which joint resolution was read twice, under suspension of the constitutional rule, and referred to the committee on nuance and taxation.

By Mr. Terrell—

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary ;

Which bill was read twice, under suspension of the constitutional rule,

Mr. Martin moved to indefinitely postpone the bill ;

Pending the consideration of which, the hour for the call of the districts having expired :

REPORTS FROM STANDING COMMITTEES.

Mr. Martin, from the committee on local legislation, reported substitute for Senate bill—

To facilitate the sawing of lumber on the Coosa river above Greensport, Alabama,

To be entitled as follows :

To facilitate the business of sawing lumber on the Coosa river between Greensport, Alabama, and the Georgia State line ;

The report was concurred in.

Mr. Hewitt moved to amend the substitute by inserting the word “or,” after the words “Georgia State line,”

and the words, "or furnishing logs," after the word; "lumber,"

Which was adopted;

Substitute thus amended was adopted;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bills—

To authorize A. F. Elsberry, administrator of the estate of Julius T. Alford, deceased, to sell the lands of said. estate at private sale ;

To prevent the selling of vinous or spirituous liquors within one mile of Marion Junction, on the Alabama Central Railroad, county of Dallas;

The reports were concurred in, and the bills severally read a third time, under suspension of the constitutional. rule, and passed.

Also, from the same committee, favorably to Senate bill—

To amend section 3555 of the Revised Code of Alabama ;

The report was concurred in, and bill read a third time, Tinder suspension of the constitutional rule, and passed ;

Ayes 18. noes 3.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Harris, Hewitt, Jones, Martin, Miller, Murphy, Pennington and Walton—18.

Noes—Messrs. Haralson, Royal and Terrell—3.

Also, from the same committee, favorably, with amendment, to Senate bill—

To protect and encourage the manufacture of iron, and for other purposes;

The report was concurred in, and the amendment adopted.

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Title of the bill was amended, so as to read as follows:

To prohibit the sale or giving away of vinous, spirituous or malt liquors within five miles of certain places in Cherokee county therein named.

Also, from the same committee, adversely to Senate bills—

To incorporate a medical college of the State of Alabama at Montgomery ;

To allow the justices of the peace and constables of Macon county to charge the same fees as are allowed the

justices of the peace and constables of Montgomery county, Alabama ;

To establish an election precinct at Calhoun, in the county of Lowndes, to be known as Calhoun precinct ;

Which adverse reports were severally concurred in.

Also, from the same committee, adversely to Senate bill—

To protect women and minor operatives from excessive work.

Mr. Hewitt moved to postpone the further consideration of the report and bill until Friday next, at 12 o'clock, and make it the special order for that hour.

Mr. Doster moved to indefinitely postpone.

Pending the consideration of which, at the hour of 12 o'clock,

The special order set for that hour came up, it being Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish the means for their vindication.

Mr. Terrell moved to indefinitely postpone the bill and substitute.

Pending the consideration of which, the hour of one o'clock having arrived, the first special order set for that hour came up, it being Senate bill—

For the protection of tax payers ;

Mr. Pennington moved to suspend the special orders for the purpose of the further consideration of the special order set for 12 o'clock ;

Which motion was lost ;

Ayes 14, noes 15.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Class, Haralson, Harris, Jones, Leftwich, Murphy, Pennington, Royal and Wilson—14.

Noes— Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Little, Martin, Robinson, Snodgrass, Terrell and Walton—l5.

With leave, Mr. Cobb, from a select committee, reported a substitute for the Senate bill—

For the protection of agricultural laborers ;

The report was concurred in and the substitute adopted ;

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

With leave, Mr. Pennington offered the following resolution,

Which was lost.

Resolved, That the secretary of the Senate be directed to request his Excellency the Governor to return to the Senate, the enrolled bill entitled An act to establish a, new charter for the city of Opelika.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

March 12, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills to be entitled as follows :

To regulate the time of meeting of the board of equalization of Marengo county ;

Also—

To enable the court of county commissioners, for Madison county, to raise, by taxation, a sinking fund to pay the bonds of said county ;

To amend sections two and four of the charter of the city of Greenville ;

To punish the unlawful use of certain money to be raised by the court of county commissioners of Madison county ;

To amend the sixth section of an act entitled An act to incorporate the city of Birmingham, in Jefferson county, approved December 19, 1871 ;

For the relief of S. J. Parker, tax collector of Clarke county ;

To declare Mrs. Mina Buhler, wife of Louis Buhler, of Dallas county, Mrs. Anna Williams, wife of J. A. B. Williams, of Jackson county, Mrs. Mary Spencer, wife of A. S. Spencer, of Jefferson county, and Mrs. Emeline M. Finley, wife of Wm. P. Finley, of chambers county, free dealers ;

Also, House bill—

To amend an act entitled An act to fix the time of holding the circuit court in the 7th judicial circuit ;

And ordered the same forthwith to the Senate, without engrossing.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 12, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

To prohibit the sale, giving away, or otherwise disposing to spirituous, vinous or malt liquors, within one mile of the Stevenson hotel, in the town of Stevenson, in the county of Jackson

For the relief of George W. Williams, tax collector for Barbour county ;

To regulate the finances of Coffee county ;

For the relief of Smith C. Johnson, of Conecuh county;

To authorize the commissioners' court of Etowah county to levy a special tax for certain purposes.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Cobb,

The further consideration of the first special order was suspended;

The second special order, set for 1 o'clock, then came up, it being Senate bill—

To regulate the rate of interest in this State.

With leave, Mr. Martin withdrew the amendment to the amendment.

Mr. Martin then moved to amend as follows :

Amend section 2 so as to insert, after the word " interest," in the third line of said section, the following:

" For the loan or forbearance of money, goods, or things in action ;" and by striking out the following words of said section : " not exceeding twelve dollars on the hundred dollars, and at that rate for a greater or less, or a longer or shorter time ;"

Amend section 2 so as to strike out the article "a," before the word "rate," in the second line, and insert the word "the."

On motion of Mr. Robinson,

Mr. Martin's amendment was laid on the table ;

Ayes 18, noes 3.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Duskin, Glass, Hamilton, Harris, Hewitt, Little, Miller, Murphy, Pennington, Robinson and Wilson—18.

Noes—Messrs. Edwards, Martin and Walton—3.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 12, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bill, originating in the Senate :

An act to incorporate the city of Tuskaloosa.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

Mr. Martin moved to amend as follows:

By striking out "fifteen," where it occurs in the amendment, and insert "ten."

On motion of. Mr. Robinson,

The amendment to the amendment was laid on the table;

Ayes 16, noes 7.

Ayes— Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Duskin, Glass, Hamilton, Harris, Little, Pennington, Robinson, Walton and Wilson—16.

Noes— Messrs. Dereen, Doster, Edwards, Leftwich, Martin, Miller and Murphy—7.

Pending the consideration of the bill,

At the hour of 3 o' clock,

Senate took a recess until 4 o'clock p. m.

———————

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Senate resumed consideration of Senate bill—

To regulate the rate of interest in this State;

The amendments proposed by the committee were considered separately ;

The first amendment—

To strike out of second section the words " to which the first section of this act may apply," and insert " for the loan of money,"

Was adopted.

The second amendment, to strike out " twelve " and insert " fifteen,"

Was lost ;

Ayes 8, noes 9.

Ayes—Messrs. Carmichael, Coleman, Cooper, Curtis, Driesbach, Haralson, Jones and Robinson—8.

Noes—Messrs. Cunningham, Harris, Hewitt, Little, Martin, Pennington, Snodgrass, Terrell and Walton—9.

The third amendment, to add to section five the words, " but when the judgment is upon a contract for the loan of money at rate of interest authorized by this act, the judgment shall also bear interest at the rate provided in the contract,"

Was adopted.

The fourth amendment, to strike out " March," where it occurs in the tenth section, and insert "April,"

Was adopted.

Mr. Martin offered the following amendment,

Which was lost :

Amend section four by striking out the words, "or for the performance of any act or duty."

Mr. Martin offered the following amendment,

Which was lost :

Amend section six by adding the following proviso :

" Provided, That such payment shall exceed the amount of interest due at the date of such payment."

Mr. Martin moved to indefinitely postpone bill and amendment ;

Which motion was lost ;

Ayes 5, noes 16.

Ayes—Messrs. Black, Cunningham, Harris, Martin and Pennington—5.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Curtis, Doster, Driesbach, Edwards, Glass, Hamilton, Haralson, Little, Robinson, Royal, Snodgrass and Walton—16.

Mr. Carmichael moved to suspend the constitutional rule, so as to give the bill a third reading forthwith ;

Which motion was lost ;

Ayes 17, noes 6.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Curtis, Doster, Driesbach, Glass, Hamilton, Haralson, Hewitt, Little, Robinson, Royal, Snodgrass, Terrell and Walton—17.

Noes—Messrs. Black, Cunningham, Edwards, Harris, Martin and Pennington —6.

SPECIAL ORDER.

The hour of 4½ o' clock having arrived, the special order set for that hour came up, it being a report from the committee on internal improvements to Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsements of bonds of the various railroad companies of this State ;

On motion of Mr. Pennington,

The committee were granted until 4 o'clock p. m. to-morrow to make a report, and it was made the special order for that hour.

Senate bill—

To regal ate the rate of interest in this State,

Was then ordered to a third reading, and made the special order for 11 o'clock to-morrow.

BILLS INTRODUCED.

With leave, the following bills were introduced:

By Mr. Martin—

To promote the manufacture of rails and other manufactures for railway purposes within the State of Alabama ;

Which was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Hewitt—

In relation to the charter of the town of Elyton, in Jefferson county;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr Cooper—

To prohibit the granting of licenses to vend, at wholesale or retail, vinous or spirituous liquors outside of any city or incorporated town in this State, and within two miles of any manufacturing establishment ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Haralson—

Joint resolution to pay J. R. Wing ;

Which joint resolution was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

Mr. Terrell moved to adjourn ;

Which motion was lost;

Ayes 11, noes 15.

Ayes—Messrs. Black, Coleman, Buskin, Haralson, Harris, Jones, Leftwich, Pennington, Royal, Terrell and Walton—11.

Noes—Messrs. Carmichael, Cobb, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Glass, Hamilton, Hewitt, Little, Martin, Robinson and Snodgrass —15.

NEW RULE.

Mr. Hamilton offered the following resolution ;

Which lies over one day, under the rules of the Senate:

Resolved, That from and after the passage of this resolution, the Senate shall meet daily at ten fifteen (10:15) o'clock a. m., and continue in session until 4 p. m., with a recess of a half hour at 2 p. m.

Mr. Terrell offered the following substitute :

Resolved, That the Senate shall meet at fifteen minutes after ten a. m., and continue in session until such hour as may be agreed upon each day.

RECONSIDERATION.

On motion of Mr. Martin—

The vote by which Senate this morning passed bill to prevent the selling of vinous or spirituous liquors within one mile of Marion Junction, on the Alabama Central Railroad, county of Dallas, was reconsidered ;

Bill was then recommitted to the committee on local legislation.

ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills, reported the following bills as correctly enrolled:

An act to regulate the fees of the sheriff of Bullock county, in certain cases ;

An act to authorize the court of county commissioners of Madison county to pay for fuel used in offices of judge of probate, sheriff and clerk of circuit court of Madison county ;

Joint resolution making additional appropriation to pay the funeral expenses of the Hon. W. J. Gilmore, deceased;

An act to authorize William O. Winston, administrator of the estate of Turner Reavis, deceased, late of Sumter county, and his successors in said office, to sell the library and lands of said intestate at public or private sale ;

An act to authorize the commissioner's court of Pike and Madison counties to pay certain claims therein mentioned ;

An act requiring the sureties on the official bond of the county officers of Baldwin county to resde in said county;

An act entitled an act to repeal an act therein named and described;

An act to change the line between the counties of Barbour and Russell;

An act for the relief of J. T. Davis and M. E. Davis, of Chambers county ;

An act to repeal an act entitled An act to pay the board of equalization of Madison county, approved March 3d, 1870;

An act for the relief of Peter Menefee and Judy Menefee, of Lee county ;

An act to prohibit the sale of spiritous or vinous liquors in an area of five miles of Stonewall Iron Works, in Cherokee county, in this State ;

Joint resolution for the relief of the administrator of the estate of Newton L. Whitfield, deceased.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed the following bills :

A bill to amend section 2032 of the Revised Code of Alabama;

A bill to amend section 2 of an act entitled An act to incorporate the Selma Savings association.

A bill to amend the charter of the town of Decatur, in Morgan county.

Also—

A joint resolution in regard to appointing commissioners to confer with commissioners appointed, under the authority of the Legislature of the State of Mississippi.

On motion of Mr. Robinson,

Senate adjourned until 10:15 o'clock to-morrow;

Ayes 14, noes 10.

Ayes—Messrs. Black, Cobb, Coleman, Cunningham, Driesbach, Glass, Haralson, Harris, Leftwich, Little, Robinson, Royal, Terrell and Walton—14.

Noes—Messrs. Carmichael, Cooper, Doster, Duskin, Edwards, Hamilton, Hewitt, Martin, Pennington and Snodgrass—10.

THURSDAY, March 13, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwinn, of Montgomery.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Curtis, Dereen, Doster, Driesbach, Duskin, Ervin, Hamilton, Haralson, Hewitt, Jones, Leftwich, Martin, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell and Walton—23.

Journal of yesterday was read and approved.

BILLS INTRODUCED.

The following bills were introduced :

By Mr. Ervin—

To encourage and aid emigration to the State of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Parks—

To remove the administration of the estate of Greenberry B. Franklin, deceased, late of Butler county, from the probate court of the county of Butler to the probate court of Crenshaw county.

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on the judiciary.

Mr. Cobb called up Mr. Hamilton's resolution in relation to the meeting of the Senate daily ;

Mr. Doster moved to amend the amendment as follows :

That the Senate shall meet at fifteen minutes past ten o'clock a. m., daily, and shall not adjourn before 2 o'clock p. m. ;

Mr. Ervin moved, to lay the resolutions and amendments on the table ;

Which motion was lost ;

Ayes 12, noes 19.

Ayes—Messrs. Carmichael, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin, Glass, Hewitt, Leftwich and Wilson—13.

Noes—Messrs. Black, Cobb, Coleman, Dereen, Duskin, Hamilton, Haralson, Harris, Jones, Little, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell and Walton—19.

Mr. Doster's amendment to the amendment was then adopted.

SELECT COMMITTEE.

Mr. Doster, from the select committee to confer with the superintendent and treasurer of the Alabama Insane hospital, with a view to suggesting by bill or otherwise, means of relief for the embarrassed financial condition of that institution, reported a bill to be entitled—

An act to provide for the prompt payment of the sum now authorized by law for the support, of the indigent and the criminal insane in the Alabama Insane hospital.

Bill was read twice, under suspension of the constitutional rule ;

Mr. Ervin offered the following amendment,

Which was adopted :

Strike out all that relates to price at which the bonds may be sold.

Bill thus amended was read a third time, under suspension of constitutional rule, and passed ;

Ayes 26, noes 2.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Ervin, Glass, Hamilton, Haralson, Hewitt, Jones, Leftwich, Little, Martin, Miller, Murphy, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—26.

Noes—Messrs. Parks and Robinson—2.

FINANCE AND TAXATION.

With leave, Mr. Ervin, from the committee on finance and taxation, reported favorably, with an amendment, to Senate bill—

For the relief of Wm. B. Green, late tax collector of Madison county, in relation to the list of insolvencies and errors in assessments of taxes for said county for the year 1870 ;

The report was concurred in, and the amendment adopted ;

Bill thus amended, "was read a third time forthwith, under a suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At the hour of 11 o'clock the first special order set for that hour come up, it being Senate bill—

To ratify certain acts, judgments and other proceedings therein mentioned ;

Mr. Carmichael moved to amend as follows:

Provided, Nothing in this act shall be held to affect any suit now pending wherein the validity of such judicial proceedings is in question ;

Mr. Robinson moved to lay the amendment on the table;

Which motion was lost;

Ayes 2, noes 17.

Ayes—Messrs. Pennington and Robinson—2.

Noes—Messrs. Carmichael, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Glass, Hamilton, Harris, Hewitt, Martin, Murphy, Parks, Snodgrass, Terrell and Walton—17.

Mr. Pennington moved to lay bill and amendment on the table;

Which motion was lost;

Ayes 8, noes 14.

Ayes—Messrs. Curtis, "Dereen, Haralson, Leftwich, Martin, Pennington, Terrell and Walton—8.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Glass, Hamilton, Hewitt, Parks, Robinson and Snodgrass—14.

Bill and amendment were then recommitted to the committee on the judiciary.

RESOLUTION.

Mr. Pennington, with leave, offered the following resolution ;

Which was adopted:

Resolved, That the Secretary be, and he is hereby instructed to request the House of Representatives to return to the Senate a bill to be entitled—

An act to establish a new charter for the city of Opelika.

SECOND SPECIAL ORDER.

The second special order set for 11 o'clock then came up, it being Senate bill—

To regulate the rate of interest in tills State.

Pending the consideration of which,

The hour of 12 o'clock having arrived,

SPECIAL ORDER

Set for that hour came up, it being Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish means for their vindication.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

March 13, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To amend an act to establish a new charter for the town of Union Springs, Bullock county, Alabama ;

To amend section 4264 of the Revised Code of Alabama ;

For the protection of jurors in the circuit and city courts of the county of Barbour ;

For the relief of Joseph F. Boyles, tax collector of Monroe county ;

To authorize Harriet A. Minor, widow of L. M. Minor, to sell the real estate of said estate in Greene county, Alabama, at private sale, and to invest the proceeds of the same in real estate in Pickens county, Alabama ;

To consolidate the fine and forfeiture and the general fund of the county of Barbour ;

To amend section 1 of an act to empower the Governor to appoint notaries public, so far as it relates to or effects Barbour county;

To amend sections 1 and 2 of an act entitled An act to exempt from administration property of decedents, and vest titles in the widow, child or children, approved February 8, 1872.

ROBERT BARBER,
Clerk of the House.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed :

A bill to continue in force an act entitled An act to re-enact and to amend an act to incorporate the Alabama Savings bank of Montgomery, approved February 12, 1867, with an amendment to the first and second sections respectively, of said act ;

A bill to amend sections 4, 9 and 14 of an act entitled An act in relation to the chancery courts in Alabama ;

A bill to facilitate the business of sawing lumber on the Coosa river, between Greensport, Alabama, and the Georgia State line;

A bill to authorize D. A. Hendrix, county treasurer of Blount county, to keep his office two miles and a half from the town of Blountville, the county site of said county ;

A bill to amend section 3555 of the Revised Code of Alabama ;

A bill to prohibit the sale or giving away of vinous, spirituous or malt liquors within five miles of certain places in Cherokee county, therein named ;

A bill for the protection of agricultural laborers.

ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills, reported the following bills as correctly enrolled :

An act to regulate the time of the meeting of the board of equalization of Marengo county ;

An act for the relief of Seth J. Parker, tax collector of Clarke county ;

An act to punish the unlawful use of certain money to fee raised by the court of county commissioners of Madison county ;

An act to enable the court of county commissioners for Madison county to raise, by taxation, a sinking fund to pay the bonds of said county.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 13, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To provide for an election of municipal officers for the city of Selma ;

And ordered the same forthwith to the Senate, without engrossing.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Cobb,

House bill—

To provide for an election of municipal officers for the city of Selma,

Was taken up ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

With leave, Mr. Pennington. from the committee on internal improvements, reported a bill—

More effectually to secure the State of Alabama against loss in consequence of its endorsements of railroad bonds ;

Bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Pennington,

The further consideration of the bill was postponed until Monday next, at 12 o'clock,

And it was made the special order for that hour, and 200 copies ordered to be printed for the use of the General Assembly.

Senate resumed consideration of special order.

Mr. Robinson moved to postpone further consideration of the bill until Monday next, at 12 o'clock, and make it the special order for that hour ;

The question was first taken on the motion to indefinitely postpone the bill and substitute ;

Which was lost ;

Ayes 13, noes 19

Ayes— Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—13.

Noes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Ervin, Glass, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Mill en. Murphy, Pennington, Royal and Wilson—19.

The question recurred on the motion to postpone until Monday next.

In obedience to the request of the Senate,

The House of Representatives returned to the Senate House bill—

To establish a new charter for the city of Opelika.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 13, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bills to be entitled as follows :

To authorize the State Treasurer to pay a warrant in favor of W. W. Allen, late adjutant General of the State of Alabama, for the amount of twelve hundred dollars, out of any money not otherwise appropriated ;

To restrict the amount allowed county officers of Coffee county for ex-officio services ;

For the relief of Mrs. Laura Phelan ;

To repeal an act entitled An act to remove the administration of the estate of Oliver P. Bessinger, deceased, &c.

ROBERT BARKER,
Clerk of the House.

Pending consideration of special order,

Senate adjourned until 10:15 o'clock to-morrow.

FRIDAY, March 14,1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwinn, of Montgomery.

On the call of the roll, the following Senators answered to their names:

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards,

Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass and Walton—29.

Journal of yesterday was read. and approved.

Leave of absence was granted Mr. Robinson until Monday next.

With leave, Mr. Walton introduced bill—

For the removal of the seat of government from Montgomery, and for other purposes appertaining thereto ;

Which was read twice, under suspension of the constitutional rule.

Mr. Carmichael moved to refer the bill to a select committee of one from each Congressional district.

Mr. Parks moved to indefinitely postpone the bill ;

The question being first taken on Mr. Parks' motion,

It was lost;

Bill was then referred to a select committee, consisting of Messrs. Walton, Black, Hamilton, Goodloe, Doster and Murphy.

Mr. Martin, from a select committee, reported substitute for Senate bill—

To authorize railroad companies, chartered by the State, to lease their roads ;

The report of the committee was concurred in, and, substitute adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Pennington called up House bill—

To establish a new charter for the city of Opelika.

On motion of Mr. Pennington,

The vote by which Senate passed the bill was reconsidered.

On motion of Mr. Pennington,

The vote by which the Senate ordered bill to a third reading was reconsidered.

Mr. Pennington moved to amend as follows :

Strike out the words "or license," where they occur in the twentieth section of the bill, and insert " and" between the words "prohibit"- and "suppress," where they occur in the same section ;

The amendment was adopted ;

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To repeal an act entitled. An act to amend section 4345 of the Revised. Code of Alabama, approved January 30, 1870, so far as relates to the county of Winston ;

To authorize Harriet A. Minor, widow of L. M. Minor, to sell the real estate of said estate in Greene county, Alabama, at private sale, and to re-invest the proceeds of the same in real estate in Pickens county, Alabama ;

To increase the pay of bailiffs ;

To regulate the keeping of records of the probate court of Greene and Jackson counties ;

To allow Mrs. Mary B. Fannin, of Pike county, to sell a house and lot in the city of Troy, Alabama ;

For the relief of P. W Donaldson, a resident of Montgomery county, Alabama ;

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within one mile of the Stevenson hotel, in the town of Stevenson, in the county of Jackson;

For the relief of Smith P. Johnson, of the county of Conecuh;

To repeal An act to regulate the finances of Coffee county;

To amend section one of an act entitled An act to empower the Governor to appoint notaries public, so far as it relates to or affects Barbour county ;

To amend An act to establish a new charter for the town of Union Springs, Bullock county, Alabama ;

For the relief of Mrs. Laura Phelan ;

To repeal An act to restrict the amount which may be allowed to the county officers of Coffee county for ex-officio services ;

Were severally read three times under suspension of the constitutional rule, and passed.

House bills—

To require the judge of probate for Calhoun county, Alabama, to hold a county court for the trial of criminals, as required by the Revised Code of the State ;

To amend section 4264 of the Revised Code of Alabama ;

To amend subdivision three of section 926 of the Revised Code of Alabama;

For the relief of Joseph F. Boyles, tax collector of Monroe county ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

House bills—

To protect female and minor laborers in factories ;

To authorize the court of county commissioners of Etowah county to levy a special tax to pay off and satisfy a certain judgment in the circuit court of Etowah county, for the sum of eleven hundred and fifty dollars, and costs, against said county of Etowah, and in favor of the county of DeKalb ;

For the protection of jurors in the circuit and city courts of Barbour county ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

House bill—

To repeal an act entitled An act to remove the administration of the estate of Oliver P. Bessinger, deceased, late of Coosa county, from the court of probate of Coosa county to the probate court of Pike county, approved February 14, 1872 ;

Was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation, with instructions to report thereto to-morrow.

House bill—

To prevent the hiring out of convicts beyond the limits of the county in which they are convicted,

Was read twice, under suspension of the constitutional rule, and referred to the committee on the penitentiary, prisons and punishments.

House bills—

For the relief of George W. Williams, tax collector of Barbour county ;

To authorize the State Treasurer to pay a warrant in favor of W. W. Allen, late Adjutant General of the State of Alabama, for the amount of twelve hundred dollars, out of any money not otherwise appropriated ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House bills—

For the relief of the widow and legatees under the will of the late Wm. H. Bullock, deceased ;

To consolidate the funds of fines and forfeitures and general fund of the county of Barbour ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

House bill—

To repeal An act to amend section 1323 of the Revised Code, approved February 13th, 1871, so far as it relates to Blount county,

Was read twice under suspension of the constitutional rule, and referred to the committee on local legislation.

House bill—

To amend an act entitled An act to fix the time of holding the circuit courts in the 7th judicial circuit, approved March 7th, 1873,

Was read twice, under suspension of the constitutional rule.

Mr. Doreen offered the following amendment, which was adopted :

Amend the first section by inserting after the enacting clause, between the words "Alabama, and that" the following : " That an act entitled An act to fix the time of holding the circuit courts in the 7th judicial circuit, approved March 7th, 1873, which is in words and figures following, to-wit:"

Bill thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal section 1374, in article 1, of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Randolph, Dallas and Madison,

Was read twice under suspension of the constitutional rule.

Mr. Haralson moved to amend as follows :

Strike out the word "Dallas," where it occurs in the caption and body of the bill;

The amendment was adopted ;

The bill, thus amended, was referred to the committee on local legislation.

House bill—

For the protection of grand jurors ;

Was read twice, under suspension of the constitutional rule.

Mr. Carmichael offered the following amendment, which was lost:

Amend so as to strike out of the bill the words " not less than one hundred nor more than five hundred dollars," and substitute in lieu thereof the words " not more than one hundred dollars."

Mr. Haralson moved to amend by inserting after the words "grand jurors," in the caption and body of the bill, the words " and all other public officers."

On motion of Mr. Carmichael,

Bill and amendment were laid on the table ;

Ayes 17, noes 8.

Ayes—Messrs. Carmichael, Cooper, Cunningham, Dereen, Doster, Duskin, Haralson, Harris, Hewitt, Leftwich, Martin, Murphy, Pennington, Royal, Snodgrass, Terrell and Walton—17.

Noes—Messrs. Coleman, Curtis, Edwards, Ervin, Goodloe, Miller, Parks and Robinson—8.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 14, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To repeal an act entitled An act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the counties of St. Clair and DeKalb ;

And ordered the same forthwith to the Senate, without engrossment.

ROBERT BARBER,
Clerk of the House.

House bill—

To fix the time for holding the chancery courts in the western chancery division,

Was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Martin, Little and Duskin.

House bill—

To amend sections 1 and 2 of an act entitled An act to exempt from administration property of decedents, and. vest titles in the widow, child or children, approved February 8th, 1872,

Was read twice, under suspension of the constitutional rule, and laid on the table.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

March 14, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bill to be entitled as follows :

To change the county line between the counties of .Clay and Randolph.

ROBERT BARBER,

Clerk of the House.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

March 14, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which. the concurrence of the Senate is requested, to be entitled. as follows :

To regulate elections in the State of Alabama.

ROBERT BARBER,

Clerk of the House.

House bill–

To establish a city court for the county of Lee, was taken up ;

Mr. Pennington offered the following substitute for section three,

Which was adopted:

SEC. 3. Be it further enacted. That the first election for a judge and clerk of the court established by the pro visions of this act, shall be held on the first Tuesday after the first Monday in November, 1873, and the Governor may appoint a judge and clerk for the said court, who shall serve until their successors are elected and qualified ;

Bill thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill–

To repeal an act entitled An act to suppress mur der, lynching, and assaults and batteries, approved De cember 28, 1868, so far as the same relates to the counties of St. Clair and DeKalb ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To exempt the judge of probate, register in chancery, and attorneys in Pickens county, from the provisions of an act entitled an act to prohibit attorneys in certain cases from practicing their professions in the probate and chancery courts, approved February 11, 1871;

Was read twice, under suspension of the constitutional rule ;

Mr. Cobb offered the following amendment,

Which was adopted :

Amend by inserting the word "Shelby" after the word "Pickens" in caption and body of bill ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 14, 1873.

Mr. President :

I am directed by the Governor to inform the Senate, that on the 13th instant he approved and signed the following bills, originating in the Senate :

An act to punish the unlawful use of certain money to be raised by the court of county commissioners of Madison county;

An act to regulate the time of the meetings of the board. of equalization of Marengo county ;

An act to enable the court of county commissioners for Madison county to raise by taxation a sinking fund to pay the bonds of said county ;

An act for the relief of Seth J. Parker, tax collector of Clarke county.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

INTERNAL IMPROVEMENTS.

The committee on internal improvements reported back Senate bills—

To authorize and require the commissioners court of roads and revenue of Lauderdale county to submit to the voters of said county a certain proposition therein named, and for other purposes ;

To revive and amend an act entitled An act to incorporate the Florence and Nashville Railroad company, approved February 3, 1852 ;

Thereupon Mr. Coleman, with leave, withdrew said bills.

ENGROSSED BILLS.

Dereen, from the committee on engrossed bills, reported the following bill as correctly engrossed :

A bill for the relief of William B. Green, late tax collector of Madison county, in relation to the lists of insolvencies and errors of assessment of taxes for said county for the year 1870.

ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled—

An act to amend sections two (2) and four (4) of the charter of Greenville ;

An act to declare Mrs. Mina Buhler, wife of Louis Buhler, of Dallas county, et als., free dealers, &c. ;

An act to amend the sixth section of an act entitled An act to incorporate the city of Birmingham, in Jefferson county, approved December 19, 1871.

BILL INTRODUCED.

Mr. Ervin, with leave, introduced bill—

To amend the charter of Camden, Wilcox county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour came up, it being Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish the means for their vindication ;

The question being on the motion to postpone the further consideration of the bill until Monday next, and make it the special order for 12 o'clock of that day,

Mr. Royal moved to lay the motion on the table ;

Which motion was lost;

Ayes 16, noes 16,

Ayes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—16.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Hamilton, Hewitt, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—16.

The question recurring upon the motion to postpone, it was lost ;

Ayes 16, noes 17.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Little, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—16.

Noes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Ervin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Mr. Parks moved to recommit bill and amendments to the committee on the judiciary.

On motion of Mr. Royal,

The motion was laid on the table ;

Ayes 17, noes 15.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Robinson, Royal and Wilson—17.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Little, Martin, Parks, Snodgrass, Terrell and Walton—15.

On motion of Mr. Royal,

The amendment to the substitute was laid on the table ;

Ayes 18, noes 14.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Robinson, Royal, Terrell and Wilson—18.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Little, Martin, Parks, Snodgrass and Walton—14.

Mr. Cobb offered a substitute for the substitute, to be entitled a bill—

To protect the citizens of the United States within the State of Alabama in their civil rights.

Mr. Terrell moved, to refer bill and substitute to a select committee of five ;

Which motion was lost.

On motion of Mr. Terrell,

Mr. Cobb's substitute was laid on the table ;

Ayes 19, noes 13.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Parks, Pennington, Robinson, Royal, Terrell and Wilson—19.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Little, Martin, Snodgrass and Walton—13.

Mr. Terrell moved to amend by striking out third section of the substitute ;

Pending the consideration of which,

On motion of Mr. Terrell,

Senate adjourned until 10:15 o'clock to-morrow ;

Ayes 16, noes 15.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Driesbach, Edwards, Hamilton, Hewitt, Little, Martin, Miller, Parks, Robinson, Snodgrass, Terrell and Watton—16.

Noes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Murphy, Pennington, Royal and Wilson—15.

———

SATURDAY, March 15, 1873.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Cobb, Coleman. Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Glass, Goodloe, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Royal, Walton and Wilson—22.

Journal of yesterday was read and approved.

JOINT RESOLUTION.

With leave, Mr. Coleman introduced the following joint resolution, which,

On motion of Mr. Pennington,

Was laid on the table :

Resolved, That, with the concurrence of the House, the General Assembly shall adjourn sine die on the 24th instant.

Leave of absence was granted. Messrs. Duskin and Snodgrass until Wednesday next, and Mr. Harris until Thursday next, and Mr. Carmichael for one week.

ENROLLED BILLS.

Mr. Duskin, from the committee on enrolled bills, reported the following bills as correctly enrolled :

An act to change the county line between the counties of Clay and Randolph ;

An act to amend sections 4, 9 and 14 of an act entitled An act in relation to the chancery courts in Alabama.

On motion of Mr. Cobb,

The call of the districts was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. Martin, from the committee on local legislation, reported adversely to Senate bills—

To amend section 3620 of the Revised Code of Alabama ;

To authorize Sarah E. Mitchell, of Tallapoosa county, to take out letters of guardianship of her minor children, upon entering into bond without sureties ;

Which adverse reports were severally concurred in.

Also, from the same committee, favorably to Senate bill—

To regulate the sale of kerosene and other mineral or vegetable oils used for lights, in the State of Alabama ;

On motion of Mr. Pennington,

The report and bill were laid on the table ;

Ayes 18, noes 7.

Ayes—Messrs. Cobb, Cooper Cunningham, Curtis, Doster, Driesbach, Edwards, Glass, Goodloe Hamilton, Hewitt, Leftwich, Little, Murphy, Parks, Pennington, Terrell and Walton—18.

Noes—Messrs. Black, Coleman, Dereen, Haralson, Martin, Royal and Wilson—7.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 15, 1873.

Mr. President :

I am directed, to inform the Senate that he House of Representatives has passed, with amendment, Senate bill, to be entitled as follows:

To prohibit the sale or giving away of vinous, spirituous or malt liquors, within five miles of certain places therein named ;

And without amendments, bills—

To facilitate the sawing of lumber on the Coosa river, between Greensport, Alabama, and the Georgia line ;

To repeal an act entitled An act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868; and to repeal sections 117 and 118 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31. 1868, so far as the same applies to the county of Perry.

And has concurred in Senate amendments to following House bills :

To amend an act entitled An act to fix the time of holding the circuit court in the seventh judicial circuit, approved March 7, 1873 ;

For the prompt payment of the sums now authorized by law for the support of the indigent and criminal insane, in the Alabama Insane hospital, with an amendment, in which the concurrence of the Senate is requested ;

And has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To repeal an act entitled An act to establish public pounds in the county of Montgomery.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Cobb,

Senate bill—

For the payment of the sums now authorized by law for the support of the indigent and criminal insane in the Alabama Insane hospital,

Was taken up ;

Senate concurred in House amendment to the bill.

Mr. Hamilton, from the committee on the judiciary, reported adversely to House bill—

To amend section 3 of An act to confer civil jurisdiction on the city court of Mobile, approved February 13, 1872 ;

Which adverse report was concurred in.

Also, from the same committee, favorably to Senate bills—

To better secure the payment of mechanics and others for their labor, and materials furnished ;

To regulate the terms of the courts of the first judicial circuit ;

The reports were concurred in, and bills severally read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to Senate bill—

In relation to mechanics' lien within the State of Alabama ;

The adverse report was concurred in, and the bill laid upon the table.

Also, from the same committee, substitute for Senate bill—

To prevent the sale of agricultural products in this State between sunset and sunrise, unless the purchaser shall keep a record of the seller, article purchased, and price given for the same ;

The substitute to be entitled—

A bill for the protection of agriculture ;

The report was concurred in, and the substitute adopted ;

Bill, thus amended, was ordered to a third reading.

Also, from the same committee, substitute for Senate bill—

To amend sections 3, 4, 5 and 7 of an act entitled An act in relation to the Southern Express company, approved February 26, 1872 ;

The substitute to be entitled a bill—

To amend section 3 of an act entitled An act in relation to the Southern Express company, approved February 26, 1872.

Pending the considration of which,

The hour of 12 o'clock having arrived,

The chair decided that Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish the means for their vindication, held its place as a special order for that hour, and

being under consideration at the last preceding adjournment, had the preference in the special, orders of the day ;

From that decision, Mr. Terrell appealed ;

And the question being,

" Shall the decision of the chair be sustained ?"

The chair was sustained ;

Ayes 22, noes 1.

Ayes—Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Hewitt, Jones, Leftwich, Little, Martin, Murphy, Pennington, Royal, Walton and Wilson—22.

Noes—Mr. Terrell—1.

Mr. Hamilton moved to suspend the special order to proceed with reports from standing committees ;

Which motion was lost ;

Ayes 13, noes 12.

Ayes—Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Little, Martin, Parks, Terrell and Walton—13.

Noes— Messrs. Black, Curtis, Dereen, Doster, Goodloe, Haralson, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—13.

The question being on the motion to strike out the third section of the substitute,

Pending the consideration of the same,

With leave, Mr. Pennington, from the committee on internal improvements, to which was referred Senate bill—

To authorize the Governor to settle with the Montgomery and Eufaula Railroad company,

Submitted two reports thereto, one in favor of the passage of the bill, without amendment, and the other, with amendment.

On motion of Mr. Pennington,

The further consideration of the reports was postponed until Monday next, at 1 o'clock, and they were made the special order for that hour.

Also, from the same committee, substitute for Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State.

On motion of Mr. Pennington,

The further consideration of the report was postponed until Tuesday next, at 1 o'clock, and it was made the special order for that hour.

BILL INTRODUCED.

With leave, Mr. Hamilton introduced bill—

To amend An act to incorporate the Mobile Magnolia association ; and to amend an act entitled An act to authorize the construction of a plank or shell road along the bay of Mobile, approved February 10, 1854, and the amendments thereof, approved January 6, 1856, and January 20, 1854 ;

Bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 15, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed joint resolution, in which the concurrence of the Senate is requested, to be entitled as follows :

To authorize the Auditor to draw his warrant on the. Treasurer in favor of Jonathan Barton, of Winston county, for the sum of $86.75 - 100, for services rendered as sheriff, &c.

ROBERT BARBER,
Clerk of the House.

With leave, Mr. Walton, from the select committee, reported favorably to Senate bill—

For the removal of the seat of government from Montgomery, and for other purposes appertaining thereto.

Mr. Haralson moved to concur in the report of the committee.

Mr. Wilson moved to lay the motion on the table ;

Which motion was lost;

Ayes 3, noes 20.

Ayes—Messrs. Parks, Pennington and Wilson—3.

Noes— Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Glass, Goodloe, Hamilton, Haralson, Jones, Leftwich, Little, Martin, Miller, Murphy Royal and Walton—20.

Mr. Cobb moved to postpone the further consideration of report and bill until Tuesday next, at half-past one o' clock, and make them the special order for that hour ;

Which motion was lost ;

Ayes 10, noes 15.

Ayes—Messrs. Black, Cobb, Cunningham, Curtis, Driesbach, Glass, Parks, Pennington, Terrell and Wilson—10.

Noes—Messrs. Coleman, Cooper, Dereen, Edwards, Goodloe, Hamilton, Haralson, Jones, Leftwich, Little, Martin, Miller, Murphy, Royal and Walton—15.

Mr. Coleman moved to adjourn ;

Which motion was lost ;

Ayes 7, noes 17.

Ayes—Messrs. Coleman, Cunningham, Martin, Miller, Parks, Terrell and Wilson—7.

Noes—Messrs. Black, Cooper, Curtis, Dereen, Driesbach, Edwards, Glass, Goodloe, Hamilton, Haralson, Jones, Leftwich, Little, Murphy, Pennington, Royal and Walton—17.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 15, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bills originating in the Senate :

1. An act to change the lines between the counties of Barbour and Russell ;

2. An act to prohibit the sale of spirituous or vinous liquors within an area of live miles of Stonewall Iron Works, in Cherokee county, in this State ;

3. An act to declare Mrs. Mina Buhler, wife of Louis Buhler, of Dallas county, Mrs. Anna Williams, wife of J. A. B. Williams, of Jackson county, Mrs. Mary Spencer, wife of A. S. Spencer, of Jefferson county, and Mrs. Emaline M. Finley, wife of Wm. P. Finley, of Chambers county, free dealers;

4. An act to authorize the court of county commissioners of Madison county to pay for fuel used. in offices of judge of probate, sheriff and clerk of circuit court of Madison county ;

5. An act for the relief of J. T. Davis and M. E. Davis, of Chambers county ;

6. An act to authorize the commissioners' courts of Pike and Madison counties to pay certain claims therein mentioned ;

7. An act entitled an act to repeal an act therein named and described ;

8. An act to regulate the fees of the sheriff of Bullock county in certain cases ;

9. An act to repeal an act entitled An act to pay the board of equalization of Madison county, approved March 3d, 1870 ;

10. An act to amend sections two (2) and four (4) of the charter of the city of Greenville ;

11. An act to amend the sixth section of an act entitled An act to incorporate the city of Birmingham, in Jefferson county, approved December 19th, 1871 ;

12. An act to authorize William O. Winston, administrator of the estate of Turner Reavis, deceased, late of Sumter county, and his successors in said office, to sell the library and lands of said intestate at public or private sale.

Also, the following joint resolution

For the relief of the administrator of the estate of Newton L. Whitfield, deceased.

Respectfully,

C. J. ATKINSON,

Recording Secretary.

The report of the committee was then concurred in ;

Mr. Wilson moved to amend the bill by striking out " Mobile," and inserting "Pollard ;"

On motion of Mr. Haralson,

The amendment was laid on the table ;

Ayes 23, noes 1.

Ayes—Messrs. Black, Cobb, Cooper Cunningham, Curtis, Dereen, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Jones, Leftwich, Little, Martin, Miller, Murphy, Parks, Pennington, Royal, Terrell, Walton and Wilson—23.

Noes—Mr. Coleman—1.

Mr. Cobb moved to postpone the further consideration of the bill until Monday next, at two o'clock, and make it the special order for that hour.

On motion of Mr. Haralson,

The motion was laid on the table.

Mr. Coleman moved to amend by striking out "Mobile," and inserting “ Birmingham.”

On motion of Mr. Martin,

The amendment was laid on the table ;

Ayes 18, noes 6.

Ayes—Messrs. Black, Cooper, Curtis, Dereen, Driesbach, Goodloe, Hamilton, Haralson, Jones, Leftwich, Little, Martin, Miller, Murphy, Pennington, Royal, Terrell and Walton—18.

Noes—Messrs. Cobb, Coleman, Cunningham, Edwards, Parks and Wilson—6.

Mr. Little moved to postpone the further consideration of the bill until Monday next, immediately after reading of the journal, and make it special order for that hour.

On motion of Mr. Haralson,

The motion was laid on the table.

Mr. Cobb gave notice that he would move to reconsider vote by which Senate concurred in the adverse report of committee to Senate bill to authorize Sarah E. Mitchell, of Tallapoosa county, to take out letters of guardianship of her minor children, upon entering into bond without sureties.

Mr. Parks moved to amend the bill by striking out "Mobile," and inserting " Huntsville;"

Which amendment was withdrawn.

On motion of Mr. Martin,

The Senate adjourned until 12 o'clock Monday.

———

MONDAY, March 17, 1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Goodloe, Hamilton, Haralson, Hewitt, Leftwich, Little, Martin, Murphy, Parks, Pennington, Royal, Terrell, Walton and Wilson—24.

Journal of yesterday was read, corrected and approved.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour came up, it being Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish the means for their vindication.

The question was upon the motion to strike out the third section of the substitute.

Pending the consideration of which, at one (l) o'clock,

The special order set for that hour came up, it being Senate bill—

To authorize the Governor to settle with the Montgomery and Eufaula Railroad company.

With leave, the chairman of the committee on internal improvements amended his report so as to show that a, majority of the committee recommended the passage of the bill, without amendment.

On motion of Mr. Cobb,

The majority report was concurred in.

On motion of Mr. Terrell,

The further consideration of the bill was postponed until half-past one o'clock to-morrow, and it was made the special order for that hour.

The second special order, set for 12 o'clock, then came up it, being,

Senate bill—

To more effectually secure the State of Alabama against loss in consequence of its endorsement of railroad bonds.

On motion of Mr. Cobb,

The further consideration of the bill was postponed until Wednesday next, at 1 o'clock, and it was made the special order for that hour.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 17, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To incorporate the town of Leighton, in the counties of Lawrence and Colbert ;

For the relief of J. W. Shephard, of Tuskaloosa county ;

Explanatory of an act in relation to the annual Alabama conference of the Methodist Church, South, and to define the boundaries, rights and franchises of said conference, and of the North Alabama conference of said church ;

To provide each county with field notes ;

To prohibit the sale of spirituous liquors within three miles of Texas camp ground, in Macon county ;

To amend section 7 of An act to incorporate Stonewall Furnace company, approved February 10, 1866 ;

To amend section 1073 of the Revised Code ;

For the relief of Joseph Money and A. H. Langham, of Jackson county ;

For the relief of Jonathan Latham and others, of Jackson county ;

To provide for the location of the court house, in the county of Fayette ;

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary.

And has passed, without amendment, Senate bills, to be entitled as follows :

To amend an act entitled An act to establish a new charter for the town of Athens, in the county of Limestone, approved March 8, 1871 ;

For the relief of E. B. Lott, collector of State taxes for the county of Mobile ;

To incorporate the town of Ozark, in the county of Dale ;

To change the name of Youngsville to that of Alexander City, and incorporate the same.

ROBERT BARBER,
Clerk of the House.

Mr. Edwards, from the committee on enrolled bills, reported the following bills as correctly enrolled:

An act to provide for the prompt payment of the sums now authorized by law, for the support of the indigent and criminal insane in the Alabama Insane hospital, and for maintenance of the Deaf, Dumb and Blind asylum.

MESSAGE FROM THE GOVERNOR.

The following veto message was received from his Excellency, the Governor, by his secretary, and read in full :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 15, 1873.

To the Senate of Alabama :

I have the honor to return herewith to you an act requiring the sureties on the official bonds of the county officers of Baldwin county to reside in said county, together with my reasons for declining to approve the same.

The general laws of the State and the remedies by the processes of the courts, for their enforcement, are all complied with by the residence of sureties of bonded officers in the limits of the State. Branch writs may be sent to any counties in the State, rendering the sureties amenable to the judgment and processes of the courts, in the county of the residence of the officer, whose bond may be sued on. There can be no reason then growing out of the responsibility of various defendants to the same bond to the courts of Baldwin county, for having a provision in that county for the residence of sureties to official bonds, which is not deemed necessary in any other county Why then is it necessary, that this peculiar law should be enacted for Baldwin county, and not found to be necessary, or proper, in other counties in this State ? The effect of such an act is to prescribe a new qualification to bonded office holders of that county, viz: That they must not only be elected by the people of the county, but that they must be able to give an official bond, with sureties who reside in the county. A case may easily be imagined where an office holder might be able to give a good bond, with sureties residing in other counties, but could not give satisfactory resident sureties. In times of bitter partisan excitement, with but few residents of the county possessed of sufficient property to afford the guaranty of satisfactory suretyship and these property holders belonging chiefly to one party, presents a state of facts in which this bill might proscribe from all bonded offices of the county those belonging to the opposing party whatever popular majority they might obtain at the polls, and however able they might be to give bonds with ample sureties in an adjoining county.

I respectfully suggest that no good reasons can exist for such act for Baldwin county, while the general laws of the State allow sureties to official bonds to reside in any county of State, and the rules for the administration of the laws render such sureties responsible to the courts of Baldwin county, in whatever counties they may reside.

I have the honor to be,

Your obedient servant,

DAVID P. LEWIS,

Governor.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 17, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bills, originated in the Senate :

An act to facilitate the business of sawing lumber on the Coosa river, between Greensport, Alabama, and the Georgia State line ;

An act to repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868, so far as the same applies to the county of Perry ;

An act to change the county line between the counties of Clay and Randolph.

Respectfully,

C. J. ATKINSON,

Recording Secretary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 17, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which

the concurrence of the Senate is requested, to be entitled as follows:

For the relief of Mrs. F. E. Jost, wife of F. C. Jost, of the city of Montgomery.

ROBERT BARBER,
Clerk of the House.

With leave, Mr. Pennington, from the committee on internal improvements, reported favorably to House bills—

To authorize David D. Hughes, of DeKalb county, to erect a dam across Big Wills creek, in said county ;

For the relief of the Alabama Coal and Navigation company ;

The reports were concurred in, and the bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill—

To encourage and aid immigration to the State of Alabama ;

The report was concurred in, and the bill ordered to a third reading.

On motion of Mr. Jones,

Senate bill—

To repeal An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama,

Was taken from the table.

On motion of Mr. Doster,

The further consideration of the bill was postponed until Wednesday next, at half past one o'clock, and it was made the special order for, that hour.

Senate bill—

To regulate the rate of interest in this State,

Was read a third time and passed ;

Ayes 16, noes 8.

Ayes—Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Goodloe, Hamilton, Haralson, Hewitt, Jones, Leftwich, Royal, Terrell and Walton—16.

Noes—Messrs. Black, Dereen, Edwards, Martin, Murphy, Parks, Pennington and Wilson—8.

BILLS INTRODUCED.

With leave, Mr. Haralson introduced bill—

To fix the official bond of tax collector for the county of Dallas ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

On motion of Mr. Coleman,

House bill—

To regulate elections in the State of Alabama,

Was taken up ;

Bill was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled the following bills :

An act to facilitate the sawing of lumber on the Coosa river, between Greensport, Alabama, and the Georgia State line ;

Also—

An act to repeal an act entitled An act to require the court of county commissioners to publish semi annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868, so far as the same applies to the county of Perry.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed the following bills :

A bill to change the name of Youngsville to that of Alexander City, and to incorporate the same ;

A bill for the relief of James D. Williford, of Tallapoosa county ;

A bill to regulate the terms of the courts of the first judicial circuit ;

A bill to amend the charter of Camden, Wilcox county ;

A bill to codify and revise the statute laws of the State of Alabama of a general and public nature.

ADJOURNMENT.

On motion of Mr. Coleman,

Senate adjourned until 10:15 o’clock to-morrow.

TUESDAY, March 18, 1873.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Goodloe, Hewitt, Jones, Leftwich, Little, Martin, Murphy, Parks, Royal, Terrell, Walton and Wilson—32.

The journal of yesterday was read and approved.

BILLS INTRODUCED.

With leave, Mr. Little introduced the following bills :

Bill to authorize the chancellor of the western chancery division, fourth district, to ratify and confirm the sale of lands made by J. J. Little to C. M. A. Rogers, and to order the administrators of J. J. Little to make title to the same ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Bills—

To amend section 3016 (2587) of the Revised Code of Alabama ;

To exempt eighty acres of land from taxation for the period of live years, to every person who is now a non-resident of the State of Alabama, and who moves into the State of Alabama from any other State, Territory, or country, and becomes bona fide purchasers, settlers and residents on said lands ;

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

Bill to relieve Sarah Tartt, a minor, of Sumter county, from the disabilities of non-age, and to authorize her to make a final settlement with her guardian ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

REPORT FROM SELECT COMMITTEE.

Mr. Hewitt, from the select committee, reported favorably to Senate bill—

For the relief of Augustus C. Pearce, Margaret Pearce, Eleanor Pearce and Joseph Pearce, of the county of Marengo, Alabama.

The report was concurred, in, and bill read a third time, under suspension of the constitutional rule, and passed.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

For the relief of Jonathan Latham and others, of Jackson county, sureties on the official bond of Z. T. Wright, tax collector of said county ;

For the relief of Joseph Money and A. H. Langham, of Jackson county ;

To amend section 7 of An act to incorporate the Stonewall Insurance company, approved February 10,1866 ;

To prohibit the sale or other disposition of spirituous, vinous or other intoxicating liquors within three miles of Texas camp ground, in the county of Macon ;

In relation to the annual Alabama conference of the Methodist Episcopal Church South, and to define the boundaries, rights and franchises of said conference, and of the North Alabama conference of said church ;

To provide for the location of the court house in the county of Fayette ;

Were severally read three times, under suspension of constitutional rule, and passed.

House bills—

To amend section 1073 of the Revised Code ;

For the relief of J. W. Shephard, tax collector of Tuskaloosa county ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on the judiciary.

House bill—

To incorporate the town of Leighton, in the counties of Lawrence and Colbert,

Was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To provide each county with field notes,

Was read three times, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House joint resolution—

To authorize the Auditor to draw his warrant on the Treasurer, in favor of Jonathan Barton, of Winston county, for the sum of $86.75-100, for services rendered as sheriff, &c.,

Was read twice, under suspension of the constitutional rule, and referred to committee on finance and taxation.

House bill—

To repeal an act entitled An act to establish public pounds in the county of Montgomery,

Was read twice, under suspension of the constitutional rule.

Mr. Martin offered the following amendment, which was adopted :

Provided, That this act shall not go into effect until December 1st, 1873.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 18, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested, Senate bill to be entitled as follows :

To fix the time of holding the circuit courts in the 12th judicial circuit.

And has concurred in Senate amendment to House bill entitled—

An act to establish a city court for the county of Lee.

ROBERT BARBER,
Clerk of the House.

House bill—

To authorize the purchase of land and mules for the State of Alabama, to be used in connection with the penitentiary,

Was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

Mr. Terrell moved to withdraw bill from the committee on local legislation, for the purpose of referring it to the committee on penitentiary, prisons and punishments.

Pending the consideration of which, at the hour of 12 o'clock, Mr. Martin in the chair, decided that Senate bill to protect all citizens of the State of Alabama in their civil rights, and to furnish the means for their vindication, came up as the special order for that hour, it having been upon the calendar s a special order for twelve o'clock for several days, and being yet undisposed of.

Mr. Hewitt appealed from that decision, contending that having been cut off yesterday, at one o'clock, pending its consideration, by the special order set for one o'clock, and not being under consideration at the time of adjournment on yesterday, said bill lost its place as a special order, and went over with unfinished business ;

And the question being—

" Shall the decision of the chair be sustained ?"

The chair was sustained ;

Ayes 14, noes 7.

Ayes—Messrs. Black, Cooper, Curtis, Dereen, Doster, Duskin, Goodloe, Haralson, Jones, Leftwich, Murphy, Pennington, Royal, and Wilson—14.

Noes—Messrs. Cobb, Coleman, Cunningham, Driesbach, Hewitt, Parks and Terrell—7.

The question was upon the motion to strike out the third section of the substitute ;

Pending the consideration of which,

At the hour of one o'clock, the chair announced a special order for that hour, it being Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State-endorsements of bonds of the various railroad companies of this State ;

Thereupon, Mr. Haralson inquired of the chair,

"In what condition will the bill just under consideration be on to-morrow ?"

Mr. Martin, in the chair, replied to the inquiry,

"That according to the decision of the Senate just made, it would come up at 12 o'clock on to-morrow, as a special order for that hour."

Mr. Hewitt made the point of order that, the Senate having passed from the consideration of the bill enquired about, the only business then before the Senate was the special order set for one (1) o'clock, and that the answer of the chair was a decision which might be binding upon the Senate upon a question which could not properly come up for decision by the chair before the hour of 12 o'clock to-morrow, and therefore the, question and answer were not in order.

The chair decided that the Senator from Dallas having risen to a point of enquiry only, and the chair having only assumed to reply to that enquiry, the point of order was not well taken.

Mr. Hewitt appealed from that decision, and the question being,

"Shall the decision of the chair be sustained ?"

The chair was sustained ;

Ayes 14. noes 10.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Goodloe, Haralson, Jones, Leftwich, Murphy, Pennington, Royal, Walton and Wilson—14.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Parks and Terrell—10.

The report of the committee was then concurred in.

Pending the consideration of the bill,

At one and a-half o'clock,

The special order set for that hour came up, it being Senate bill—

To authorize the Governor to settle with the Montgomery and Eufaula Railroad company.

On motion of Mr. Martin,

Bill was recommitted to a select committee of five, consisting of Messrs. Martin, Goodloe, Parks, Doster and Haralson, with instructions to report as early as practicable.

RECONSIDERATION.

On motion of Mr. Cobb,

The vote by which Senate concurred in adverse report of the committee to Senate bill—

To authorize Sarah E. Mitchell, of Tallapoosa county, to take out letters of guardianship of her minor children upon entering into bonds without sureties, was reconsidered.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed:

A bill to regulate the rate of interest in this State ;

A bill to better secure the payment of mechanics and others for their labor and material furnished.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled, the following bills :

An act to incorporate the town of Ozark, in the county of Dale ;

An act to change the name of Youngsville to that of Alexander City, and incorporate the same ;

An act for the relief of E. B. Lott, collector of State taxes for the county of Mobile ;

An act to amend an act entitled An act to establish a new charter for the town of Athens, in the county of Limestone, approved March 8, 1871.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 18, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To incorporate the town of Elkmont, in the county of Limestone ;

To prohibit the selling or giving away of spirituous or vinous liquors within three miles of Bethel church, in Lawrence county, and within two miles of the lime kilns of the Chewacla Lime company, in the county of Lee.

To incorporate the town of Columbiana in the county of Shelby.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Cobb,

House bill—

To incorporate the town of Columbiana, in the county of Shelby, was taken up ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Coleman moved to adjourn ;

Which motion was lost.

BILLS INTRODUCED.

By Mr. Duskin—

To relieve regularly licensed dentists from jury duty ;

By Mr. Terrell—

To prevent the sale of spirituous liquors within three miles of the coal mines now being opened in section 8, township 16, range 2, west, Jefferson county ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Terrell—

To amend section 5 of an act entitled An act to create a new county of portions of Chambers, Tallapoosa, Macon and Russell, to be called the county of Lee, approved December 5, 1866 ;

Which bill was read twice, under suspension of the constitutional rule, and referred to committee on municipal and county organizations.

Mr Walton moved to take up Senate bill—

For the removal of the seat of government from Montgomery, and for other purposes appertaining thereto.

ADJOURNMENT.

Pending which,

On motion of Mr. Parks,

Senate adjourned until 10:15 o'clock to-morrow.

———

WEDNESDAY, March 19, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin, Parks, Pennington, Robinson, Walton and Wilson—23.

Journal of yesterday was read and approved.

Leave of absence was granted Mr. Little until Monday next, and to Messrs. Ervin and Miller, on account of sickness.

With leave, Mr. Martin, from the committee on local legislation, returned House bill—

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary ;

Bill was then referred to committee on penitentiary, prisons and punishments.

CALL OF THE DISTRICTS.

On a call of the districts,

Senate bill—

To authorize the purchase of land. and mules for the State of Alabama, to be used in connection with the penitentiary,

Came up ;

The question being on the motion to indefinitely postpone the bill,

With leave, Mr. Martin withdrew the motion ;

Bill was then referred to committee on penitentiary, prisons and punishments.

The following bills were introduced :

By Mr. Pennington—

For the relief of Susan Pauline Griffin and Letitia Hortense Griffin, of the county of Lee, of non-age.

By Mr. Wilson—

For the relief of Harriett Billingslea, wife of Henry C. Billingslea, of Montgomery county, and Mrs. Caroline Oppenheimer, wife of S. Oppenheimer, of Montgomery.

By Mr. Dereen—

To make Regina Levy, wife of Edward Levy, of the city of Demopolis, Marengo county, a free dealer ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Wilson—

To maintain the faith of Alabama, which was practically pledged to the partnership association, known as I. C. Moses & Co., in the act of the General Assembly, entitled An act to establish the Mobile Charitable association, for the benefit of the common school fund of Mobile county, without distinction of color, approved December 31, 1868, by securing to said partnership association the privileges and rights which said act purported to confer or grant, upon the terms therein disclosed.

By Mr. Wilson—

Supplementary to and explanatory of An act to supply justices of the peace and notaries public with forms, of proceedings, approved March 1, 1871.

By Mr. Pennington—

To amend section 1 of an act entitled Au act to protect the keepers, owners and proprietors of livery stables, approved March 3, 1871.

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Black—

To provide for the payment of clerks and sergeants-at-arms of committees of the General Assembly.

By Mr. Wilson—

For the relief of William Johnston, agent of C. A. Holt ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on nuance and taxation.

By Mr. Jones—

To regulate the agencies of insurance companies doing business in Alabama.

By Mr. Hamilton—

To amend section 1652 of the Revised Code of Alabama, so as to authorize associations to establish offices of discount and deposit, as well as offices of discount, deposit and circulation ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on federal relations.

By Mr. Doster—

To amend the charter of the Wetumpka Summer Medical college, a corporation heretofore organized under the general incorporation laws of Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Doster—

To relieve purchasers of sixteenth section lands ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Wilson—

To amend section two of An act to incorporate a medical college of the State of Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred, to the committee on local legislation.

By Mr. Haralson—

To define and regulate the mode of punishment of persons convicted of criminal offences in this State ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on penitentiary, prisons and punishments.

By Mr. Hamilton—

To amend the charter of the Alabama and Georgia Railroad company, and invest it with authority to elect its officers and directors whenever the amount of the subscription to its capital stock shall be sufficient to complete the grading of the said road from the western terminus of Memphis Branch Railroad of Georgia, to or near Cornwall Iron Works in Alabama, and to validate its action ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Black—

To regulate the fees of the county treasurer of Barbour county in certain cases ;

By Mr. Glass—

To amend section one (1) of An act to incorporate New Cubahatchie Baptist church, in Macon county, approved February 8,1873 ;

By Mr. Goodloe—

Fixing the per diem and mileage of county commissioners of Colbert county ;

By Mr. Wilson—

To enable the administrator, with the will annexed, of James D. Randolph to sell at private sale enough of the real estate of said testator to pay the debts of said estate ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Black—

To provide for the collection and distribution of fines and forfeitures in the county of Barbour ;

Which bill was read twice, under suspension of the constitutional rule.

On motion of Mr. Parks,

Bill was so amended as to apply to the county of Pike ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Title of the bill was amended, by adding the words, “and Pike,” and substituting the word “counties” for the word “county.”

TO SUSPEND REGULAR ORDER.

Mr. Parks moved to suspend the regular order, so as to continue the call of the districts ;

The motion was lost; the chair deciding that it required an affirmative vote of four-fifths of the Senators voting to carry the motion.

Mr. Parks appealed from that decision, and the question being,

“ Shall the chair be sustained ?”

The chair was sustained ;

Ayes 21, noes 1.

Ayes—Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Murphr, Pennington, Royal, Walton and Wilson—21.

Noes—Mr. Parks—1.

REPORT FROM JOINT COMMITTEE.

Mr. Hamilton, from joint committee of the two Houses, reported substitute for Senate bill—

Regulating the charges for transportation of freight upon railroads in this State.

The report is as follows :

To the Honorable the President

and Senate of Alabama :

The joint committee of the General Assembly of Alabama, which was instructed by joint resolution of the two Houses, to confer with representatives from the railroads in this State upon the subject of a bill entitled An act regulating the charges for transportation of freight upon railroads within this State, respectfully report :

That they have had consultation upon the subject so confided to them for examination, with representatives from the Mobile and Ohio Railroad, Mobile and Montgomery Railroad, Montgomery and Eufaula Railroad, Western Railroad, and Memphis and Savannah Railroad. They have, also, so far as time has permitted, sought to inform themselves upon the subject by the pe-

rusal of discussions upon the subject already had in other States, and which were laid before them by said railroad representatives.

The purpose of the bill appears to be the prohibition of larger proportional charges by railroad companies for the carriage of freight, in the same direction, over distances less than the whole length of the road, than are charged by the company for the transportation of equal quantities of the same class of freight over the whole road. In other words, to declare the rule, that whatever may be established as the rate of through freight, shall also be the rate for local freight, in the same direction.

No subject connected with the management of railroads has been more earnestly pressed upon the legislative power by persons receiving goods on the line of railways, than this. Such persons conceive that an act of injustice has been committed on them by railway companies, if they are charged a larger rate of freight than is demanded of persons receiving their goods at the end of the line. Thus, on two shipments of equal quantities goods, say from Montgomery, one to Greenville, the other to Mobile, the consignee of the former expects to pay only at the same rate as is paid by the latter, yet the daily habit is for the company to make a difference perhaps to the extent that no more is charged to Mobile than to Greenville. The receiver of the goods at the latter place conceives that by this he is injured. It is upon this notion that the bill referred to this committee is based.

A moment's reflection will show that this notion is not necessarily correct. All that the consignee of goods has a right to ask is that an oppressive demand is not made of him for the service performed by him. His right is to be measured by this duty alone, and not by the duty the carrier owes to another consignee. In each case the duty is to be measured by the elements which compose the service which has been performed.

The compensation which might properly be demanded. by a wagoner for the transportation of the same quantity of goods between the same points, cannot be used as the measure by which the compensation of the railroad for transportation of the same weight the same distance. In each case the amount of compensation is to be determined by the elements which make up the service.

In like manner there is no equity attaching to the consignee by rail, that he shall be charged the same rate of freight that is charged to another consignee, when the elements which make up the service performed by the

railroad are different. If the consignees receive their goods of like amount and class at the same point, in the absence of distinct contracts, the rate to each would be the same, and railroad companies being common carriers, charged with a public duty, have no right to make discrimination in such cases by any special contract ; they must deal alike by all. If the consignees by rail live at different distances from the place of shipment, it is not merely the difference in length of transportation which distinguishes the service rendered, to each.

A railroad company, in order to continue its operations should from its business earn a fair interest upon the capital invested, and also enough to pay for labor employed and materials consumed. In the last are included wear and tear of rails, cars and locomotives. If interest is not earned, the road is burthen to its owners, and its only merit is the benefit its operation may confer upon the public ; if the necessary cost of expenses and repairs are not realized, it will soon become a public burthen, rather than a benefit. It is therefore the interest, if not the duty of the public, that its income should at least meet the expenses of its operation.

The business of many railroads, and particularly at the South, is such that its earning traffic is only in one direction; and yet, in order that it may earn at all, the , cars must be returned over the line in order that they may be reloaded and again earn freight by running in the earning direction. If these return cars carry no freight, their return is at the cost of the company, and entails a diminution of the freight already earned.

Any income that can be derived from the use of such returning cars, is then a benefit, though they be loaded and transported at much lower rates than when transported in the earning direction. Hence, of necessity, arises the fact, that the same rate of freight cannot be charged by the same roads in both directions. In the one, that is, towards the chief market on its line, it can demand. a reasonable freight at all times ; in the other, it can only obtain a freight at all, by agreeing to carry at low rates, and so competing with some other mode of transportation from the same point.

Your committee therefore report, that it would be unwise to attempt by legislation to enforce the same rates of freight in both directions of any railroad in this State. That subject should be left to the management of the railroad companies themselves.

To return, however, to charges for transportation in the earning direction of any road. As above remarked, it is to the public interest that all railroad companies should be protected in their attempt to secure to themselves such an amount of compensation on their business as will reimburse to them all the expenses of operating their lines and maintaining them in good working order.

It has been remarked, that distance of transportation is not the only element to be considered in fixing the amount of compensation to be paid to a railroad, by the consignee of goods by its line. The cost of labor, of wear and tear, and of time employed, are the elements to be mainly considered. When a locomotive is not used to the full extent of its power, there is a loss, because the expense of its use is still the same. So when a car is not in use, there is a loss—and when time is consumed in preparing it for use, whether by loading or unloading, there is a loss to the railroad company.

Now, applying these elements, in relation to the transportation of goods different distances by rail, and we readily arrive at a result sufficiently plain to guide the General Assembly upon the action on the proposed act regulating the charges for transportation of freight by railroads.

Ordinarily, it requires twenty-four hours to load a car,' and twenty-four hours to unload the same car. The usual speed of a freight train is ten miles an hour ; a car usually carries ten tons of freight. Suppose the rate charged to be two cents per ton per mile. If the car -were to be moved ten miles, it would require forty-nine hours, and it would earn for the company two dollars/that is ninety-six cents per day.

If the same car were to be moved one thousand miles, it would require one hundred and forty-eight hours, and at the same rate of freight would earn thirty-two dollars and fifty cents per day.

Now, if in this calculation were also added the loss to the company from the locomotive continuing its trip, with a train of less weight than it had capacity to draw, and also the additional expense to the company of station houses and station agents and employees at different points along its line to accommodate its local business, but which are of no use about its through business, it becomes palpable that the transportation of freight over short distances justifies a discrimination, and the charge of a much higher rate per mile of distance, than is necessary when the transportation is over long distances.

Nor is this unjust towards the consignee of goods over a short distance, any more than it is unjust for the consignee to pay for dravage of goods from the depot to his warehouse a much larger proportional compensation than he pays for the transportation of the same goods over a much longer distance by rail. The elements of service are not the same.

The very fact that the transporter is enabled to keep a large portion of its rolling-stock in more constant use, on. long-distances, and thereby secure a more continual running power, by means of a low tariff, enables him to carry goods for short distances at lower rates than it could do if it could only transact a local business, with the consequent long continuances of stock idle in order to accommodate the local trafic.

In any event, the near consignee is benefitted by the use of the rail; for, without it, his transportation must be by wagon, at an expense vastly greater. So long as that saving is secured to him, he is benefitted ; and the proper comparison for him to make is with the cost by wagon, and not with the cost to the more distant dealer on the same railway.

Precisely the same considerations justify the discrimination about the transportation of passengers.

If, therefore, the railway system is of public benefit, sound policy requires that legislation should be such as to protect it in its legitimate employment, and not to force it into a course of management that would jeopard its interests.

Your committee are therefore constrained to report adversely to the proposed bill, and in view of the fact now to be stated, to recommend the adoption of the substitute herewith returned.

While enquiring into the matters thus confided to them, your committee discovered that, as a condition to the aid heretofore granted by the State to the railroads within its limits, the State had required of these companies that they should not demand for the transportation of passengers more than four cents per mile, and allowed them to discriminate between local and through business, but at a rate not to exceed twenty-five per cent. more on local than on through business It appears to your committee that the probable effect of this may be to raise a right by contract in favor of the railroad companies which have assented to the rates, so aa to place it be-

yond the power of the General Assembly now to command. an equality of rates. If this be the objection, the proposed bill is insuperable.

It so happens, however, that the practical working of this restriction has been fairly tested upon at least one of the railroads in this State.

The M. and M. Co. received aid from the State, under a special law for that purpose, and upon the conditions above named. That company has faithfully applied the aid so proposed, and has brought into use a system and extent of. bridging over rivers, streams and marshes in the low country of the State which is probably unequaled on this continent. It has operated under the restrictions imposed by this law since the first of last July, and the result has been during a period of seven months, an absolute loss of income to the company of over $80,000, and this, notwithstanding it forms a part of a through line of railway between the commercial centres of the North-east and South-west. This company at each terminus comes into competition with other means of transportation, and in order to secure a portion of the carriage between these points it has to conform its rates to the standard forced by competition, so that the charges on all its through business, excepting what is received from connecting lines reaching to other points, must be affected by the competition, and cannot be fixed alone upon principles of fair remuneration to the railroad for services by it performed. Even its rates on goods from connecting roads are affected by competition, because at most of the points where goods are received by this connected line, there are competing anodes of transportation to the place of delivery. Inasmuch, therefore, as its local rates are fixed by comparison with its through rates, and the latter are imposed on it by the necessities of competition, the principles of receiving fair remuneration are very largely excluded from application to its rates of charge.

Your committee cannot escape the force of the considerations above suggested, and as the State is largely interested in these roads, and that they should prosper so as to relieve it of assumed obligations for them, and insomuch, too, as the interest and convenience of the public require that they should be protected against unnecessary burthens, so that they may be used in the development of the country and its general business, suggest to the General Assembly that sound policy for-

bids any legislation which would place through and local business of the railroads of the State upon a constrained equality of rate.

Your committee, however, find that the State has already legislated upon the subject with a view to prevent these railroad companies from making the public the victim of their power, by reason of their practical monopoly of carriage, between non-competitive points. This legislation springs from correct motives, and to a certain extent, may be admitted to be essential and wise ; for it is interposed to protect the individual shipper against the oppression of the more powerful corporation ; and there is a wide distinction between the economical principle above attempted to be presented, and the abuses perpetrated by these corporations in oppressive charges between points where no competition exists, and where consequently no rule intervenes for the regulation of monopoly power.

Your committee, therefore, respectfully suggest that the two principles may perhaps find a proper operation, by declaring a limit, beyond which the local charge shall not be in excess of the through rate. This will permit more flexibility in the management of its business by the company, and at the same time insure protection to the citizen concerned in the local transportation against the unrestrained power of the carrier to charge at will, and therefrom to devise means with which to carry on its contests with competing companies at its terminal points. In this last, the people of the State are far less interested than in the prosperity of the domestic business of the State.

Your committee are disposed to believe that sound policy would justify the General Assembly in fixing the limit at fifty per cent. for the local charge on the rate collected, for through business, instead of twenty-five per cent., as now established by law, and in authorizing a charge of five cents per mile for passenger fare, instead of four cents, as now established by law.

Your committee believe that very unjust discriminations have been made on roads within this State, connecting with roads without this State, whereby the markets of this State have been placed at a disadvantage. This is effected by charging less rates for the carriage of goods to places beyond the limits of this State, than are charged for transportation to the centres of trade within this State. This course of business is unjust to our own merchants and traders, and injurious to the State. Every transac-

tion of exchange or business within this State, is an advantage, and. the larger the aggregate of such transactions, the larger the volume of business within this State, and the greater the accumulation of profit and capital here. The legislation of the State should he to protect the business and interests of its own people, and at least to see that so far as legislation, or the creatures of legislation, are concerned, they shall not be used to place our people at a disadvantage. Railroads are the creatures of legislation, and constantly require its aid. In this State, they are emphatically its creatures, for they have been largely built by its assistance, and their continuance rests on the credit of the State. They should not be permitted to use their powers and privileges to the hurt of any of the people, by whose united voice, as a government, they were brought into being, and their continuing existence is protected.

This railroad system is a new power in our civilization, as yet, but partially developed. Its agency for good and evil is immense ; its limits yet unascertained. Your committee, while they are unwilling to restrain the operation of this agency, within limits too strict for its useful action, earnestly desire that a wise control shall be exercised over it, in the interest of the people and the business of this State.

Your committee herewith return the bill referred to-them, with a substitute therefor, and recommend that the substitute be enacted into law.

Respectfully submitted,

P. HAMILTON, Ch’m'n,
A P WILSON } Senate Committee.
Jon. LAMB,
Chairman House Committee.

On motion of Mr. Haralson,

The further consideration of the report and bill was postponed until Saturday next at 12 o'clock, and it was made the special order for that hour, and one hundred copies of the bill were ordered to be printed.

REPORTS FROM STANDING COMMITTEES.

The question was upon concurring in the report of the committee on the judiciary to Senate bill—

To amend, sections 3, 4, 5 and 7 of an act entitled. An act in relation to the Southern Express company, approved. February 26, 1872;

Pending the consideration of which,

At the hour of 12 o'clock,

SPECIAL ORDER

Set for that Hour came up, it being Senate bill—

To protect all citizens of the State of Alabama in their civil rights, and to furnish means for their vindication.

Mr. Martin moved to suspend, the consideration of the Special order ;

Which motion was lost;

The question being on the motion to amend, the substistute by striking out the third, section,

On motion of Mr. Haralson,

The amendment was laid on the table.

Mr. Martin offered the following amendment:

Amend, the substitute by striking out all after the caption, and inserting the following:

SECTION 1. Be it enacted by the General Assembly of Alabama, That every person, corporation, or association of persons, of whatsoever character or description, who shall deny, hinder, or deprive a citizen of the State of Alabama of the enjoyment of any civil or political right, personal to such citizen, and guaranteed, or secured, to such citizen by the terms and provisions of the Constitution of the United. States, or by the Constitution of the State of Alabama, shall be guilty of a misdemeanor, and. such person or persons so offending, shall, on conviction therefor, be punished, for each offense by a fine not to exceed, in amount the sum of five hundred, dollars, and may be imprisoned, at the discretion of the judge trying the same, in the county jail not exceeding six months.

SEC. 2 Be it further enacted, That all laws, or parts of laws, in conflict with the provisions of this act, be and the same are hereby repealed.

On motion of Mr. Haralson,

The amendment was laid on the table ;

Ayes 14, noes 8.

Ayes—Messrs. Cooper, Cunningham, Curtis, Dereen, Duskin, Glass, Hamilton, Haralson, Jones, Leftwich, Murphy, Pennington, Walton and Wilson—14.

Noes—Messrs. Black, Coleman, Driesbach, Edwards, Hewitt, Martin, Parks and Robinson—8.

Mr. Hamilton offered the following amendment,

Which was adopted:

Amend, first section, by striking out in the third, line the words "licensed inn-keepers," and insert in their place "persons who keep eating houses immediately upon and along the lines of railway in this State" ; by striking out the word "inn-keeper" in the fifth line, and insert in lieu thereof "keepers of eating houses" ; by striking out the word "inn-keepers" in the seventh and eleventh lines, and insert in lieu thereof "keepers of eating houses."

Amend, second section, by striking out the words "licensed, inns" in the third and eighth lines, and insert in lieu thereof "eating house on the line of any railway."

Amend third section, by striking out the words after "licensed inn-keepers" in the first and third lines, and insert the words "keeper of such eating house" ; by striking out the word "five" and in lieu insert the word "one," in the sixth line; and strike out all after the word "dollars."

Amend the fourth section, by striking out the word "five" in the third line, and in lieu thereof insert the word "one," and strike out all after the word "dollars."

Add, "SEC. 6. Be it further enacted, That this act shall go into effect on and after the first day of June, 1873."

Mr. Pennington moved to suspend the constitutional rule so as to give the bill a third reading forthwith;

Which motion was lost;

Ayes 15, noes 6.

Ayes—Messrs. Black, Cooper, Curtis, Dereen, Doster, Duskin, Goodloe, Hamilton, Haralson, Leftwich, Martin, Murphy, Pennington, Walton and Wilson—15.

Noes—Messrs. Coleman, Driesbach, Edwards, Hewitt, Parks and Robinson—6.

Bill thus amended was then ordered to a third, reading.

FIRST SPECIAL ORDER.

At one o'clock, the first special order set for that hour came up, it being Senate bill—

More effectually to secure the State of Alabama against loss in consequence of its endorsements of railroad bonds.

On motion of Mr. Pennington,

The further consideration of the bill was postponed until 12 o'clock to-morrow, and it was made the special order for that hour from day to day until disposed of.

SECOND SPECIAL ORDER.

The second special order set for one o' clock then came up, it being Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State.

On motion of' Mr. Pennington,

The further consideration of the bill was posponed until 12 o'clock to-morrow, and it was made the special order for that hour from day to day until disposed, of.

WESTERN FLORIDA.

On motion of Mr. Goodloe,

The Governor's message in relation to Western Florida was referred to the committee on federal relations.

BILL INTRODUCED.

With leave, Mr. Martin introduced bill—

To provide for an amendment of article 4 of the Constitution of Alabama ;

Bill was read and ordered to a second reading on to-morrow.

JUDICIARY COMMITTEE.

With leave, Mr. Hamilton, from the judiciary committee, to which was referred Senate joint resolution proposing amendments to the Constitution of the State of Alabama, reported the following joint resolutions, and recommended their adoption:

Joint resolution—

In relation to amendments of the constitution of this State:

Be it resolved by the Senate of Alabama, (the House of Representatives concurring), That a joint committee of three from the Senate, and —— from the House, be appointed to consider and report to the General Assemby of Alabama at its next session, what, if any amendments, are advisable to be made to the constitution of this State, and said joint committee are directed to report by bill, joint resolution, or otherwise, within the first week of the next session of the General Assembly.

The joint resolutions were adopted.

Mr. Goodloe called up Senate bill—

For the removal of the seat of government from Mont gomery, and for other purposes appertaining thereto ;

Mr. Hewitt made the point of order that the special orders of the day having been disposed of, the business in order way reports from standing committees.

The chair overruled the point of order, and decided that the hour of 13 o'clock having passed, and the gen eral orders of the day having been disposed of, miscel laneous business was in order.

Mr. Hewitt appealed from that decision ; and the ques tion being,

"Shall the decision of the chair be sustained ?"

The chair was sustained.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

March 19, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To repeal an act to regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa, and Tallapoosa, so far as relates to the counties of Tal ladega and Coosa ;

To repeal an act to limit the commissioners court of Sumter in their power, to assess taxes ;

To repeal an act entitled An act to establish a new charter for the city of Opelika, approved March 3, 1870, and an act entitled An act to amend the charter of the city of Opelika, approved December 19, 1871 ;

To make Haysville a precinct or voting place, in Greene county;

For the relief of A. M. Jones, of the Alabama con ference;

To require all claims against the county of Randolph to be registered in the treasurer's office in said county within six months from the date of issuance ;

For the relief of the Alabama Coal and Navigation company ;

To repeal an act entitled An act to put in force certain provisions of the Revised Code, relative to the publica tion of legal and other notices, so far as relates to Frank lin county ;

To incorporate the Pioneer Fire company, No. 1, of Birmingham, in Jefferson county ;

To consolidate the office of tax collector and. assessor in the county of Crenshaw ;

To prohibit the burning of any woods within two miles of the coaling grounds of any iron company within the limits of the counties of Jefferson and Tuskaloosa ;

To amend section 6 of an act entitled An act to incorporate the town of Eutaw, in Greene county ;

To repeal an act to establish the fees of the county treasurer of Washington county, approved February 24, 1872 ;

To prevent the sale of spirituous or vinous liquors, in, at or within two miles of the court house at St. Stephens, Alabama, on days of public worship, &c. ;

To prevent the sale or otherwise disposing of spirituous, vinous or malt liquors within one and a half miles of the academy in the town of Wedowee, in Randolph county, Alabama;

Providing artificial limbs, for maimed persons in the State of Alabama ;

To repeal an act incorporating Clintonville academy, in Coffee county ;

For the relief of Susan Speegal, of Morgan county ;

For the relief of the estate of Andrew Young, deceased, in Marengo county ;

To repeal an act entitled An act requiring the sureties on the official bonds of the county officers of Elmore county, to reside in said county ;

To establish a new charter for the town of Florence;

To make Elizabeth A. Murray a free dealer ;

To provide for the removal of poor-house keepers ;

To relieve Martha Alice and Mary Ann Turney of the disabilities of non-age ;

To fix the place of holding the chancery courts in the county of Monroe ;

To relieve Charles Newman, of Bullock county, of the disabilities of non-age ;

To prohibit any person from selling, giving away, or otherwise disposing of any spirituous, vinous or intoxicating liquors within two miles of Louina, in Randolph, county;

To repeal an act requiring justices of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads ;

And ordered the same forthwith to the Senate without engrossment.

And has passed, without amendment, Senate bill—

To be entitled an act supplementary to An act to incorporate the city of Tuscumbia, approved. December 14, 1865.

ROBERT BARBER,
Clerk of the House.

MESSAGE PROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 19, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that on the 17th inst. he approved and signed the following bills, originating in the Senate :

An act to provide for the prompt payment of the sums now authorized by law for the support of the indigent and criminal insane, in the Alabama Insane hospital, and for maintenance of the Deaf, Dumb and Blind asylum ;

To amend sections 4, 9 and 14 of an act entitled An act in relation to the chancery courts in Alabama.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

Bill was then read a third time.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills,. reported as correctly engrossed :

A bill to authorize the chancellor of the western chancery division, 4th district, to ratify and confirm the sale of lands made by J. J. Little to C. M. A. Rogers, and to order the administrators of J. J. Little to make title thereto;

A bill for the relief of Augustus C. Pearce, Margaret Pearce, Eleanor Pearce and Joseph Pearce, of the county of Marengo, Alabama;

A bill for the protection of agriculture ;

A bill to encourage and aid immigration to the State of Alabama ;

A bill to amend section 1 of An act to incorporate New Cubahatchie Baptist church, in Macon county, approved February 8, 1872;

A bill to provide for the collection and- distribution of fines and forfeitures in the counties of Barbour and Pike;

A bill to regulate the fees of the county treasurer of Barbour county, in certain cases ;

Pending the consideration of the passage of the bill,

On motion of Mr. Coleman,

Senate adjourned until 10:15 o'clock to-morrow.

THURSDAY, March. 20,1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered. to their names:

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—25.

Journal of yesterday was read and approved.

RESOLUTION.

With leave, Mr. Goodloe offered the following resolution :

Resolved, That in the opinion of the Senate, it is improper, unbecoming and disrespectful for a Senator to state, in his place, while on the floor of the Senate, that he will occupy the floor until the close of the Senate, if necessary to defeat a measure to which he is opposed. That such conduct is offensive to each and every Senator, and to the Senate, and is the subject of censure.

On motion of Mr. Black,

The resolution was laid on the table ;

Ayes 13, noes 9.

Ayes—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Buskin, Edwards, Glass, Hewitt, Robinson, Snodgrass and Wilson—13.

Noes—Messrs. Driesbach, Goodloe, Hamilton, Haralson, Harris, Jones, Pennington, Royal and Walton—9.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 20, 1873.

Mr. President :

I am directed by the Governor to inform the Senate, that on the 19th instant he approved and signed the following bills, originating in the Senate :

An act to incorporate the town of Ozark, in the county of Dale ;

An act entitled An act to amend an act to establish a new charter for the town of Athens, in Limestone county, approved March 8, 1871 ;

An act for the relief of E.B. Lott, collector of State taxes for the county of Mobile ;

An act to change the name of Youngsville to that. of Alexander City, and incorporate the same.

Respectfully, .

C. J. ATKINSON,
Recording Secretary.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Parks—

In aid of the public schools of the city of Troy ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on education ;

By Mr. Parks—

To authorize the probate judge of probate court of Montgomery county to approve a new bond, if required, of the administratrix of the estate of Gordon Bunkley, and executed in the proper amount, and with the proper condition, by her and her three eldest children ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary ;

By Mr. Parks—

To amend section 1 of an act entitled An act to incorporate the town of Georgiana, in Butler county.

By Mr. Edwards—

To supply Morgan county with tract book and field. notes ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred, to the committee on municipal and county organizations.

By Mr. Coleman—

To provide for the execution of process issued by the courts of this State upon foreign corporations doing business in this State ;

Which bill was read twice, under suspension of the constitutional rule.

Mr. Hewitt moved to amend as follows :

Provided, That the provisions of this act shall not apply to pending suits ;

Bill and amendment were referred, to the committee on the judiciary.

By Mr. Edwards—

For the relief of Cinda B. Murphree, of Blount county;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and. election.

By Mr. Edwards—

To incorporate the town of Springville, in St. Clair county, Alabama;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Hewitt, Edwards and. Coleman.

By Mr. Cooper—

To incourage the supply to the people of this State of cooking stoves and appurtenances thereto, at reasonable prices;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation, with instruction to report as early as practicable.

By Mr. Cooper—

JOINT RESOLUTIONS

In relation to the railroad laws of this State ;

Which were read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

REPORTS FROM STANDING COMMITTEES.

The question was upon concurring in the report of the committee on the judiciary to the Senate bill—

To amend, sections 3, 4, 5 and 7 of an act entitled. An act in relation to the Southern Express company, approved February 26, 1872 ;

The report was not concurred in ;

Ayes 8, noes 10.

Ayes—Messrs. Dereen, Doster, Driesbach, Duskin, Hamilton, Harris, Parks and Snodgrass—8.

Noes—Messrs. Cooper, Haralson, Hewitt, Leftwich, Martin, Murphy, Robinson, Royal. Walton and Wilson—10.

SPECIAL ORDERS SUSPENDED.

On motion of Mr. Martin,

The special orders set for 12 o'clock were suspended for the purpose of the further consideration of the bill then being considered.

RECONSIDERATION.

On motion of Mr. Walton,

The vote by which Senate refused, to concur in the report of the committee to the bill was reconsidered ;

Ayes 12, noes 8.

Ayes—Messrs. Coleman, Curtis, Doster, Driesbach, Duskin, Hamilton, Haralson, Harris, Parks, Pennington, Snodgrass and Walton—12.

Noes—Messrs. Cooper, Goodloe, Hewitt, Leftwich, Martin, Murphy, Robinson and Royal—8.

On motion of Mr. Pennington,

The report of the committee was concurred in;

Ayes 13, noes 9.

Ayes—Messrs. Coleman, Curtis, Dereen, Doster, Driesbach, Duskin, Glass, Hamilton, Harris, Parks, Pennington, Snodgrass and. Walton—13.

Noes—Messrs. Cooper, Goodloe, Haralson, Hewitt, Leftwich, Martin, Murphy, Robinson and Royal—9.

Mr. Pennington moved to adopt the substitute reported by the committee ;

Which motion was lost ;

Ayes 11, noes 14.

Ayes—Messrs. Curtis, Dereen, Doster, Driesbach, Duskin, Hamilton, Haralson, Harris, Parks, Pennington and Walton—11.

Noes—Messrs. Black, Coleman, Cooper, Edwards, Glass, Goodloe, Hewitt, Jones, Leftwich, Martin, Murphy, Robinson, Snodgrass and. Wilson—14.

Mr. Martin moved to suspend the constitutional rule so as to give the bill a third reading forthwith ;

Which motion was lost.

Bill was then ordered to a third reading.

On motion of Mr. Goodloe,

Senate bill—

To continue in force an act entitled An act to re-enact and to amend an act to incorporate the Alabama Savings bank, of Montgomery, approved February 13, 1867, with an amendment to the first and second sections of said act,

Was taken up;

Bill was read a third time, and passed ;

Ayes 16, noes 8.

Ayes—Messrs. Black. Cooper, Dereen, Duskin, Edwards, Glass, Goodloe, Hamilton, Haralson, Jones, Leftwich, Martin, Murphy, Pennington, Royal, and Witson—16.

Noes—Messrs. Coleman, Driesbach, Harris, Hewitt, Parks, Robinson, Snodgrass and Walton—8.

Mr. Pennington moved to reconsider the vote just taken on the passage of the bill;

On motion of Mr. Wilson,

The motion was laid on the table.

On motion of Mr. Pennington,

Senate bill—

To amend section two of an act entitled An act to incorporate the Mechanics' Savings company, of Mobile,

Was taken up ;

Bill was read a third time, and passed;

Ayes 12, noes 10.

Ayes— Messrs. Cooper, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Haralson, Jones, Murphy, Pennington, and Wilson—12.

Noes—Messrs. Black, Coleman, Curtis, Doster, Harris, Hewitt, Martin, Parks, Robinson, and Snodgrass—10.

On motion of Mr. Pennington,

Senate bill—

To amend section two of an act entitled An act to incorporate the Selma Savings association,

Was taken up ;

Bill was read a third time, and passed ;

Ayes 16, noes 10.

Ayes—Messrs. Cooper, Cunningham, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Haralson, Jones, Leftwich, Murphy, Pennington, Royal and Wilson—16.

Noes—Messrs. Black, Coleman, Curtis, Harris, Hewitt, Martin, Parks, Robinson, Snodgrass, and Walton—10.

On motion of Mr. Jones,

Senate bill—

To repeal An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama,

Was taken up.

Mr. Jones offered a substitute for the bill,

Which was adopted.

Bill thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

Title of the bill was amended, so as to read :

A bill to repeal an act entitled An act for the protection of plantations and lands against the depredation of stock in Lowndes county, Alabama, approved December 31, 1868, so far as the same relates to certain portions of said county therein named.

JOINT RESOLUTIONS.

With leave,

Mr. Black offered joint resolution—

To examine into the condition and circulation of the Bank of Deposit, of Mobile.

On motion of Mr. Hewitt,

Joint resolution was laid on the table.

With leave ;

Mr. Haralson introduced joint resolution—

To pay William-son and Johns for work done in the Senate chamber ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

NEW RULE.

Mr. Harris offered the following resolution,

Which lies over one day, under the rules of the Senate :

Resolved, That the door-keeper of the Senate be instructed to have one of the Senate chamber closets fitted up as a water closet, for the use of the Senators and the officers of the Senate, and that such closet be fitted up with a vessel or cistern of water, with proper connections by pipes and faucets to purify and keep clean the furniture of said water closet.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 20, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

For the relief of George W. Cox ;

And ordered the same forthwith to the Senate, without engrossment.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Haralson,

House bill—

For the relief of George W. Cox,

Was taken up;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Pennington, from the committee on internal improvements, reported favorably to Senate bill—

To amend an act entitled An act to amend the charter and change the name of the Montgomery Mechanics' association;

The report was concurred in, and the bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Walt on, from the committee on finance and taxation, reported favorably, with amendment, to Senate bill—

To pay for the advertisement of lands sold by the tax collector of Pike county and purchased by the State ;

The report was concurred in, and the amendment adopted ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Doster, from the committee on privileges and elections, reported favorably to Senate bill—

To authorize Sarah W. Dugger, of Hale county, to sell as the administrator of the estate of Henry B. Dugger, deceased, certain real estate therein named ;

The report was concurred, in, and. the bill read a third time, under suspension of the constitutional rule, and passed ; and was ordered to the House without engrossment.

Mr. Hamilton, from the committee on the judiciary, reported favorably to House bills—

To require the judge of the probate court of Calhoun county, Alabama, to hold a county court for the trial of criminals, as required by the Revised Code of the State;

To amend subdivision three of section 926 of the Revised Cede of Alabama;

To amend section 4264 of the Revised Code of Alabama ;

The reports were concurred in, and the bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendment, to House bill—

For the relief of Joseph F. Boyles, tax collector of Monroe county;

The report was concurred in, and the amendment adopted;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Parks, from the committee on municipal and county organizations, reported favorably to House bill—

To authorize the commissioners court of Winston county to levy a special tax to pay the grand and petit jurors ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed:

A bill to protect the citizens of the United States within the State of Alabama in their civil rights.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act supplementary to An act to incorporate the city of Tuscumbia, approved December 14, 1865.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 20, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which

the concurrence of the Senate is requested, to be entitled as follows:

To refund to the children of Aaron Goins, deceased, money of his estate, that escheated to the State of Alabama ;

To authorize the Secretary of State to furnish the county of Calhoun with a tract book for the use of said county ;

To repeal an act to regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa, so far as the same relates to the county of Clay ;

To prevent the sale or giving away of any spirituous or intoxicating liquors within one mile of High Log Baptist church, in Bullock county ;

To provide for raising a joint committee of the two Houses of the General Assembly of Alabama ;

To memorialize Congress and the Government of the United States for aid in behalf of the free public school interest of the State of Alabama ;

To prohibit the sale or giving away of spirituous, vinous or malt liquors within three and a half miles of the village of Ramee, in Montgomery county, and within two miles of Blue Grass Sulphur Springs, in St. Clair county, Alabama ;

To authorize the court of county commissioners of Pickens county to grant a license to Joseph E. Everett to establish a ferry on the Bigbee river, in said county, near the town of Memphis, without requiring said Everett to give bond and security, as required by section 1383 of the Revised Code of Alabama ;

To declare the effect and to provide for the preservation of record and judicial proceedings by authority of laws in force within the limits of this State, on and after the 11th day of January, A. D. 1861, until restoration of civil government, by authority of the United States ;

To prohibit the sale, giving away, or otherwise dealing in spirituous, vinous, or malt liquors, within three and a half miles of the Methodist church, situated in Macon county, Alabama, in township 16, range 21, known as "White Church," and also Fish Pond church, Coosa, county ;

And has passed, without amendment,

SENATE BILLS,

To be entitled as follows :

To amend section 2 of an act entitled An act to create

a new chancery district out of the county of Dale, approved February 18, 1871 ;

To fix the time of holding the chancery court for the ninth district of the western chancery division of Alabama, composed of the county of Hale ;

To amend section 3939 of the "Revised Code of Alabama ;

To fix the time and place of holding the chancery courts in the districts composed of the counties of Barbour, Henry, Dale and Bullock, of the eastern chancery division of the State of Alabama;

To amend section 9 of an act entitled An act to authorize the commissioners' court of Tuskaloosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage, approved December 4, 1871;

To amend the charter of the Selma and Memphis Railroad company.

And has passed, with amendment,

SENATE BILLS,

To be entitled as follows:

To establish a court of chancery in Crenshaw county ;

Fixing the per diem and mileage of the county commissioners of Colbert county ;

To amend section 7 of an act to empower the Governor to appoint notaries public, approved August 11, 1868, so far as the same relates to beats number four and five in Montgomery county.

ROBERT BARBER,
Clerk, of the House.

ADJOURNMENT.

On motion of Mr. Leftwich,

Senate adjourned until 10:15 o'clock to-morrow.

FRIDAY, March 21, 1873.

Senate met pursuant to adjournment.

ROLL CALL.

On a call of the roll, the following Senators answered to their names:

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Martin, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—24.

Journal of yesterday was read and approved.

BILLS INTRODUCED.

With leave, Mr. Hamilton introduced bill—

To consolidate the fund derived from fines and forfeitures, with the general fund of the county of Sumter ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

With leave, Mr. Cobb introduced bill—

To authorize the Governor to issue a patent to Hugh L. McClung ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on education.

With leave, Mr. Cooper introduced joint resolution—

Declaring the salary of the Attorney General of this State ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To prevent the sale of spirituous or vinous liquors in, at or within two miles of the village of St. Stephens, Washington county, on days of public worship ;

To repeal an act to establish the fees of the county treasurer of Washington county, approved February 24, 1872 ;

To make Haysville a precinct or voting place, in Greene county ;

To establish two additional voting precincts in the county of Conecuh, one at Brushy Creek church, and the other at Castleberry's Station ;

To repeal an act requiring the justices of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads ;

For the relief of the Alabama Coal and Navigation company ;

To incorporate the " Pioneer Fire company, No. 1," of Birmingham, Alabama ;

To prohibit the burning of any woods within two miles of the coaling grounds of any iron company within the limits of the counties of Jefferson and Tuskaloosa ;

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within one and a half miles of the academy in the town of Wedowee, in Randolph county, Alabama ;

To repeal an act incorporating the Clintonville academy, in Coffee county ;

To repeal an act entitled An act requiring the sureties on the official bonds of the county officers of Elmore county, to reside in said county ;

To fix the place of holding the chancery court in the county of Monroe ;

To incorporate the town of Elkmont, in Limestone county ;

To prohibit the sale or giving away of spirituous, vinous or malt liquors within three and a half miles of the village of Ramee, in Montgomery county, and within two miles of Blue Grass Sulphur Springs, in St. Clair county ;

To authorize the court of county commissioners of Pickens county to grant a license to Joseph E. Everett to establish a ferry on the Bigbee river, in said county, near the town of Memphis, without requiring said Joseph E. Everett to give bond and security, as required by section 1883 of the Revised Code ;

To prohibit the sale, giving away, or otherwise dealing in spirituous, vinous or malt liquors within three and a half miles of a Methodist church, situated in Macon county, in township 16, and range 21, known by the name of the White church, and also Fish Pond church, Coosa county ;

Were severally read three times forthwith, under suspension of constitutional rule, and passed.

House bill—

For the protection of game in Lawrence county,

Was read twice, under suspension of the constitutional rule ;

Mr. Haralson moved to amend the bill by inserting the words, "squirrels and doves ;"

Mr. Royal moved to lay bill and amendment on the table ;

Which motion was lost ;

On motion of Mr. Coleman,

The amendment was laid on the table.

Mr. Haralson moved to amend by striking out the words, "Lawrence county ;"

On motion of Mr. Jones,

The amendment was laid on the table ;

Ayes 15, noes 6.

Ayes—Messrs. Black. Cobb, Coleman, Curtis, Dereen, Edwards, Goodloe, Hewitt, Jones, Martin, Murphy, Parks, Robinson, Royal and Snodgrass — 15.

Noes—Messrs. Cunningham, Driesbach, Haralson, Leftwich, Walton and Wilson—6.

Bill was then read a third time, under suspension of the constitutional rule, and passed.

House bills—

For the relief of Mrs. Frances E. Jost, wife of Frederick E. Jost, of the county of Montgomery ;

To make Elizabeth A. Murray a free dealer ;

To provide for the removal of poor-house keepers ;

To prohibit any person from selling, giving away, or otherwise disposing of any spirituous, vinous or malt liquors within two miles of the Baptist church at Louina, in Randolph county ;

To relieve Martha Alice and Mary Ann Turney, daughters of W. M. Turney, of Morgan county, of the disabilities of non age;

To relieve Charles Newman, of Bullock county, of the disabilities of non-age;

For the relief of Susan Speegal, of Morgan county ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

House bills—

To establish a new charter for the town of Florence ;

To repeal An act to limit the commissioners court of the county of Sumter in their power to assess taxes ;

To prohibit the selling or giving away of spirituous or vinous liquors within three miles of Bethel church, in Lawrence county, and within two miles of the lime kilns of the Chewacla Lime company, in Lee county ;

To require all claims against the county of Randolph to be registered in the treasurer's office, in said county, within six months from the date of issuance ;

To amend section six (6) of An act to incorporate the town of Eutaw, in Greene county ;

To repeal An act to regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa, so far as the same relates to the county of Clay;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To supply the county of Calhoun with a tract book,

Was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

House bill—

To declare the effect and provide for the preservation. of records and judicial proceedings by authority of laws in force within the limits of this State on and after the eleventh day of January, 1861, until the restoration of civil government by authority of the United States,

Was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

House bills-—

To consolidate the offices of tax collector and tax assessor in Crenshaw county ;

To refund to the children of Aaron Goins, deceased, money of his estate that escheated to the State of Alabama ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House bill—

For the relief of A. M. Jones, of the Alabama conference,

Was read twice, under suspension of the constitutional rule, and referred to the committee on penitentiary, prisons and punishments.

House bill—

To repeal an act to put in force certain provisions of the Revised Code, relative to the publication of legal and other notices, so far as relates to Franklin county,

Was read twice, under suspension of the constitutional rule;

On motion of Mr. Goodloe,

Bill was amended so as to include Colbert county;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Title of bill was amended by inserting the words "and Colbert," and substituting the word "counties" for the word "county."

House bill—

For the relief of Andrew Young, deceased, in Marengo county,

Was read twice, under suspension of the constitutional rule.

Mr. Dereen offered the following amendment:

Amend in the eighth line of the first section by inserting between the words "taxes" and "assessed" the following : "for the year 1871, to be deducted from the amount of taxes ;"

Mr. Wilson moved to lay the bill and amendment on the table;

Which motion was lost;

Bill and amendment were then referred to committee on finance and taxation.

House bill—

To prevent the sale or giving away of spirituous and intoxicating liquors within one mile of High Log Baptist church, in Bullock county,

Was read twice, under suspension of the constitutional rule.

Mr. Pennington moved to amend so as to make the bill apply to every church in Alabama.

Mr. Hewitt moved to amend the amendment as follows :

Except churches in incorporated cities and towns ;

Bill and amendments were referred to committee on judiciary.

House bill—

Providing artificial limbs for maimed persons in the State of Alabama,

Was read twice, under suspension of the constitutional rule.

Mr. Black offered a substitute for the bill, to be entitled as follows :

To amend an act for the relief of maimed officers and soldiers who belonged to the military organizations and served in the armies of this State during the late war ;

Bill and substitute were referred to the committee on privileges and elections.

House bills—

To repeal an act entitled An act to establish a new charter for the city of Opelika, approved March 3d, 1870, and an act entitled An act to amend the charter of the city of Opelika, approved December 19th, 1871 ;

To repeal an act to regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa, so far as relates to the counties of Talladega and Coosa,

Were severally read twice, under suspension of the constitutional rule, and indefinitely postponed.

House joint resolution—

To provide for raising a joint committee of the two houses of the General Assembly of Alabama to memorialize Congress and the government of the United States for aid in behalf of the free public school interest of this State,

Was read twice, under suspension of the constitutional rule, and referred to the committee on education.

CONCURRENCE.

Senate concurred in House amendments to Senate bills—

To amend section 7 of An act to empower the Governor to appoint notaries public, approved August 11, 1868, so far as the same relates to beats No. 4 and 5 in Montgomery county;

To fix the time of holding the circuit courts in the twelfth judicial circuit:

To establish a chancery court for Crenshaw county.

PRIVILEGES AND ELECTIONS.

With leave, Mr. Doster, from the committee on privileges and elections, reported favorably, with amendments, to House bill—

To regulate elections in the State of Alabama ;

The report was concurred in.

On motion of Mr. Cooper,

The amendments were considered separately.

First amendment was as follows :

Amend section 42 by inserting after the word " election," in the second line, the words "with intent to deceive ;"

Which amendment was lost;

Ayes 12, noes 13.

Ayes—Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Harris, Hewitt, Robinson, Snodgrass and Walton—12.

Noes—Messrs. Black, Curtis, Dereen, Doster, Glass, Goodloe, Haralson, Leftwich, Murphy, Pennington, Royal and Wilson—12.

The Senate being equally divided,

Mr. President voted, in the negative.

Second amendment was as follows:

Strike out section 43.

On motion of Mr. Haralson,

The amendment was laid on the table ;

Ayes 14, noes 12.

Ayes— Messrs. Dereen, Doster, Duskin, Glass, Goodloe, Haralson, Harris, Leftwich, Murphy, Pennington, Royal, and Wilson—13.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Parks, Robinson, Snodgrass and Walton—12.

Third amendment was as follows:

Strike out all after the word "voted," in the sixth line of section 62, and insert the following:'

"And if any witness answers such questions, his answer must not be used against him in any way in any criminal prosecution for having voted at such election ;

The amendment was adopted ;

Ayes 25, noes none.

Ayes—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—25.

Noes—None.

Fourth amendment was as follows:

Insert after the word "repealed," in the third line to section 310, "except sections 397, (348) 398, (349) 399, (350) of the Revised Code of Alabama, which sections are hereby re-enacted and declared in full force and effect."

The amendment was adopted.

Bill was then considered by sections.

Sections 1, 2, 3 and 4 were adopted.

Mr. Cobb offered the following amendment to section 5;

Which amendment was lost:

"The first class of Senators determined by lot to be drawn at this or the next session of the General Assembly

in the manner set forth in the fourth section of the eighth. article of the Constitution."

Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 were then adopted.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 21, 1873.

Mr. President:

I am directed, by the Governor to inform the Senate that on the 20th instant he approved and signed the following bill, originating in the Senate:

An act supplementary to An act to incorporate the city of Tuscumbia, approved December 14, 1865.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 21, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills, to be entitled as follows:

To authorize Sarah W. Dugger, of Hale county, to sell as the administratrix of the estate of Henry B. Dugger, deceased, certain real estate therein named ;

To regulate the terms of the courts of the first judicial circuit.

ROBERT BARBER,
Clerk of the House,

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled:

An act to fix the time and place of holding the chancery courts in the districts composed of the counties of Barbour, Henry, Dale and Bullock, of the eastern chancery division of the State of Alabama ;

An act to amend, section nine of an act entitled An act to authorize the commissioners court of Tuskaloosa county to build a bridge over the Black Warrior river, to appoint trustees therefor to issue and. sell bonds of the county, and to secure said bonds by mortgage, approved December 4, 1871;

An act to amend section 3939 to the Revised Code of Alabama;

An act to amend section two of an act entitled An act to create a new chancery district.

Leave of absence was granted Mr. Martin until Wednesday next.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to pay for the advertisement of lands sold by the tax collector of Pike county and purchased, by the State ;

A bill to repeal an act entitled An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31,1868, so far as the same relates to certain portions of said county therein named.

Also—

Joint resolution to pay Williamson and Johns for work done in the Senate chamber.

Mr. Walton moved to suspend the consideration of bill to take up Senate bill—

For the removal of the seat of government from Montgomery, and for other purposes appertaining thereto ;

Pending the consideration of which,

On motion of Mr. Murphy,

Senate adjourned until 10:15 o'clock to-morrow ;

Ayes 16, noes 11.

Ayes—Messrs. Black, Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Duskin, Glass, Hewitt, Jones, Leftwich, Murphy, Royal, Snodgrass and Wilson—16.

Noes—Messrs. Cooper, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Harris, Parks, Pennington, Robinson and Walton—11.

SATURDAY, March 22, 1873.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Coleman, Cooper, Cunningham, Dereen, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Murphy, Robinson, Snodgrass and Wilson—19.

Journal of yesterday was read and approved.

Leave of absence was granted Mr. Curtis on account of sickness, and Mr. Doster until Tuesday next.

Mr. President laid before the Senate a communication from the Hon. John McEnery, of Louisiana, with an address to the people of Louisiana and of the Union,

Which were referred to the committee on federal relations.

JOINT RESOLUTION.

With leave, Mr. Wilson offered joint resolution contemplating the annexation of West Florida to the State of Alabama, by selling all that portion of her territory west of the Tombigbee river, including Mobile, to the State of Mississippi,

Which was read.

On motion of Mr. Hewitt,

The joint resolution was indefinitely postponed;

Ayes 17, noes 5.

Ayes—Messrs. Coleman, Cooper, Cunningham, Dereen, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Murphy, Robinson and Snodgrass—17.

Noes— Messrs. Black, Glass, Pennington, Walton and Wilson—5.

BILLS INTRODUCED.

The following bills were introduced:

By Mr. Hamilton—

In relation to the corporation known as the Mobile Theandric ;

Which bill was read twice, under suspension of the constitutional rate, and referred to the committee on internal improvements.

By Mr. Goodloe—

For the relief of Mountain Mills, in Colbert county, Alabama ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed ;

Title of the bill was amended so as to read as follows :

To prevent the sale of spirituous liquors within two miles of Mountain Mills in Colbert county.

By Mr. Driesbach—

To regulate the practice in the circuit court in Baldwin county in certain cases ;

By Mr. Edwards—

To prevent the sale of spirituous liquors within three miles of Trinity Methodist Episcopal church, in Morgan county ;

By Mr. Hewitt—

To amend section first of the charter of the Elyton Land company, in Jefferson county, Alabama, incorporated under the general laws of this State ;

Which bills were severally read three times, forthwith, under suspension of the constitutional rule, and passed.

By Mr. Pennington—

For the relief of Wm. M. Knight, tax assessor of Lee county ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Walton—

To authorize the probate judge of Choctaw county to approve the official bond of Cannon Johnson, a justice of the peace of said county, and to legalize the official acts of said Johnson to September 1, 1872 ;

Which bills was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

FINANCE AND TAXATION.

With leave, Mr. Walton, from the committee on finance and taxation, reported favorably to Senate bills :

To authorize the Governor to grant and issue a patent to David Farris for certain lands therein named ;

To authorize the Governor to grant and issue a patent to David Edwards for certain lands therein named ;

The reports were concurred in, and the bills severally read a third time, under suspension of the constitutional rule, and passed.

Also—

From the same committee, favorably to Senate bill—

To encourage the supply to the people of this State of cooking stoves and appurtenances thereto, at reasonable prices ;

The report was concurred, in.

Mr. Hewitt moved to recommit the bill to the committee on finance and taxation ;

Which motion was lost;

Bill was then read a third time, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 22, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

"To authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mentioned, against the State of Alabama, on account of the Alabama and Chattanooga Railroad."

ROBERT BARBER,
Clerk of the House.

REPORTS FROM SELECT COMMITTEE.

Mr. Parks, from select committee, to which was referred

Senate bill—

To authorize the Governor to settle with the Montgomery and Eufaula Railroad company,

Submitted the following favorable

REPORT.

To the Senate of Alabama :

The select committee to whom was referred the consideration of the bill to be entitled An act to authorize the Governor to settle with the Montgomery and Eufaula Railroad company, have had the same under consideration, and respectfully submit the following as the result of their investigations, to-wit :

That they have examined, several witnesses, with a view to ascertaining the condition of the road, the gross earnings, expenses, and encumbrances on it, and its probable value; the true question being, as we conceived, whether or not it would be more to the interest of the State to seek to enforce its remedies under the law, and take the road in its possession and control, than to make the sacrifices contemplated in the bill.

The evidence shows that the road cannot be leased for more than $125,000 annually, for ten years, and then only upon the condition, that all the liens upon the road and rolling stock are removed, viz: the second mortgage bonds of the State, and the $30,000 three per cent. fund, and the claim against the State of Alabama in respect of the unpaid coupons on the first mortgage bonds, and so much of the floating debt as may be secured by lien upon the rolling stock. And that such lease can only be procured with a view, on the part of the lessees, of being able to make certain important railway connections.

If the State, having taken the road in its possession, could effect the same lease for ten years, its income at the end of the term would amount to $12,500.

The liabilities of the State by that time, on account of interest alone, would amount to $12,800, leaving the principal indebtedness untouched. The interest on its liabilities, in that event, to-wit, $1,610,000, being $128,880.

The evidence shows that from October, 1870, to October, 1871, the. business amounted to..... .$112,766.99
Ordinary expenses..... 127,214.51

Making expenses exceed the income by..... $14,447.00
for that time.
Deducting income from United States mail and express..... 3,500.00

Difference..... $11,947.00
Which the road was behind by way of expenses.

From November 1, 1871, to November 1, 1872, the business income was..... $174,040.89
Ordinary expenses..... 139,536.83

Balance in favor of the road,
For the above period. $34,504.06

This balance of profit was paid out for right of way and on construction account. Everything in the way of profits being consumed, except what remains in the hands of the treasurer to be accounted for.

The evidence farther shows that in twelve months time the road will require an additional expense for iron of thirty thousand dollars, and for the next succeeding twelve months an additional expense of $60,000, and. for the twelve months next succeeding $60,000.

That it will cost about seventy-five per cent. more to keep up the forty-seven miles of prairie road on this line, than the same distance on any other than prairie road.

The rolling stock on this road. is now subject to a lien of about $25,000.

It will require about ten thousand, dollars to secure the right of way.

The floating debt is about four hundred, and fifty thousand dollars over and above the money on hand.

The above facts are given as part of the evidence before the committee, to show the condition of the road and probable expense to the State in the event of its purchase to foreclose its liens.

Your committee submit that it is not probable that a road of this character and involving so much in its construction, would, if put in market, sell for an amount approximating the State's liabilities on account of its endorsements.

Hence, the purchase of the road would, become an unavoidable expedient on the part of the State to protect its interests.

In that event, the State, assuming all liabilities, and meeting all incumbrances on the road, would not be able for a long period of time, in view of the character of the road, its condition, the probable outlay to put it in good-running order, and of keeping in such condition, to meet the actual costs and expenses of running it. In the costs are to be included, the taxes of about $8,000 annually, now realized by the State.

We mean, that after paying all the interest due and to become due for the next ten years, together with the taxes now realized by the State, and the ordinary expenses of the road. the profits would be exhausted with an increased indebtedness to the State.

In view of all the facts we have been able to ascertain in the short space of time allotted us, we think it best for the interest of the State to accept the proposition offered in said bill, and therefore report it back, and recommend its passage.

WM. H. PARKS,
J. C. GOODLOE,
C. S. G. DOSTER,
JERE HARALSON,

Mr. Martin, from the same committee, submitted a

MINORITY REPORT

on behalf of himself, adverse to said bill, as follows:

To the Senate of Alabama :

The undersigned has not been able to reach the conclusion arrived at by your special committee, to whom was referred, the bill to be entitled An act to authorize the Governor to settle with the Montgomery and Eufaula Railroad company ; and, therefore, cannot unite with the committee in recommending the passage of the bill by the Senate.

In support of the adverse opinion entertained, he begs leave to submit the following as a minority report from that committee.

In the discharge of the duty imposed, the committee summoned before them such persons as were presumed to possess the fullest information as to the condition of the road, in every point of view ; and they submit, for the consideration of the Senate, the evidence elicited.

From all the information thus obtained, it appears that the road has been constructed and equipped at a most unusual and enormous cost ; and that the company is now, in truth, a bankrupt.

Of the causes leading to such an outlay, in the building of this road, it is unnecessary to speak ; since the testimony of many of the witnesses, but especially that of Mr. Homer Blackman, is sufficiently fall upon that subject, and attention is here directed to it.

The matter to be considered by the Senate—and none other need be taken into view—is :

First—For what sum is the State liable, as the endorser for, and creditor of, said road ? And,

Second—Can the State secure itself against loss by pursuing any course for its protection, with reference to that road ?

If it be impossible to secure the State against all loss, the next subject of inquiry is, What arrangement can, be made in the interest of Alabama ?

The amount for which the State is liable, or may become liable, is as follows :

For endorsement of the first mortgage bonds of said company, under the general State aid law, at $16,000 per mile..... .....$1,280,000.
For amount loaned under the provisions of " An act to lend the credit of the State of Alabama to the Montgomery and Eufaula Railroad company, for the purpose of expediting the construction of its railroad within said State..... 300,000.
And for a portion of the "three per cent. fund," loaned to said company, say..... 30,000.

Making a total of, say..... .....$1,610,000.

In this statement no account is taken of the amount of unpaid interest upon the endorsed bonds, nor of the interest upon the past due coupons of said bonds ; for all of which the State is liable as an endorser, and for which payment, provision must be made by the State.

This brings us to the inquiry, as to whether the State can be protected against this liability, and whether or not the propositions contained in the measure under consideration are the best to be had.

There is much testimony to the effect that the road is not in a good condition ; that many repairs are needed at present, and that during the next ensuing three years, large sums of money will be required for re-clothing the road with iron, rails, &c. It is also made to appear that the present connections of the road with the Mobile and Girard road, at Union Springs, and with the Southwestern road, at Eufaula, are not of advantage to the road, but, on the contrary, serve to withdraw certain freights from this road, which would otherwise be transported over it. Yet Col. Cram does not hesitate (in his testimony) to state : "I do not mean to say that such would be the case if the interests of the road were indentical, and not antagonistic." He also states that, "for local business, I consider it one of the best in this section of the State." He adds, however, that, "as a mere local road, I do not think it could pay its expenses and a regular stated dividend upon a cost of more than ten or twelve thousand dollars per mile." But in another

aspect, he regards the road in a very different light ; and it is proposed to show that it should be viewed in that aspect, in determining our action upon this measure. He states : “With proper connections into South-western Georgia, it could be made the best route from the west, for that region, for produce, &c.”

Viewed in this aspect, and bearing in mind that the freights have been much increased by the completion of the South and North Alabama railroad, and of the connection by rail of Tensas with Mobile, the importance of this road, as a connecting link with the Atlantic sea-board, acquires peculiar significance.

The undersigned is impressed with the conviction that the road would sell for an amount amply sufficient to relieve the State from liability, and to discharge all indebtedness due her. It is true, that the evidence tends to show that the road cannot pay its necessary annual expenses and discharge the interest due upon the endorsed bonds ; yet we find the following statement made by Mr. C. W. Opdyke, who is the representative of the capitalists, desiring the passage of this bill: " I am informed that the best terms of lease which the above named capitalists have been able to obtain in six months negotiation for a lease of the road, is $125,000 currency, a year, for ton years, and $50,000 for the next twenty years, provided all the liens upon the road and rolling stock and second mortgage of the State, and the $30,000 three per cent. fund, and the claim against the State of Alabama, in respect of the unpaid coupons on the first mortgage bonds, are settled or discharged. These are necessary conditions to any lease, and the proposition is only made in the expectation of the capitalists assisting in building a connecting line or lines." As the. interest, due upon the endorsed bonds, is but $102,400 per annum, in gold, it will be seen that the road may be leased at once for a sum amply sufficient to discharge the State's liability upon the endorsed bonds, and after the expiration of the first ten years, for a sum sufficient to pay the entire interest which will be required from the State on account of said road for the ensuing twenty years.

It is true, that there is said to be past due, for interest upon the endorsed bonds, the sum of $143,600, together with the interest due upon the unpaid past due coupons of said bonds, from the payment of which the State is to be relieved upon the consummation of the provisions of this bill.

The second, section of the bill, however, makes provision for securing the State against her liability upon one fourth of the endorsed, bonds, provided said bonds are not taken up as provided for in section 1 of the bill, leaving it within the discretion of the Governor to accept from said company in the settlement authorized by section 1 of this act, such indemnity as he may consider ample to protect the State from liability on the bonds or coupons not cancelled, or surrendered.

The undersigned ventures to assert, that relief for the State from the liability on the endorsed bonds, will not be secured by the passage of this measure. At a cost to $330,000, the State will be released entirely from her liability for twelve thousand, dollars per mile, upon the endorsed bonds, whilst there may remain outstanding four thousand dollars per mile ; to be secured in such manner as may prove satisfactory to the Governor. It is believed and insisted, that if this measure should pass, that the security to he required for said four thousand dollars per mile, should be a, first mortgage lien upon the entire road, under the provisions of the present State aid, law. In no other way, it is believed, can ample security be furnished the State.

In this connection, and in support of the opposition made by the undersigned to the passage of this bill, attention is directed to the gravity of the proposition made by the terms of this bill. It is nothing more than a deliberate request that the State shall give up a completed road, eighty miles in length, to a party of New York capitalists, and consent to sacrifice $330,000, together with the road, for the purpose of being released from her liability as an endorser upon the first mortgage bonds of said railroad company.

The undersigned believes that the road should be sold, or otherwise disposed of, under appropriate legislation for the protection of the State ; and feels satisfied that in no aspect of the case could the loss be greater than proposed. by this bill. Besides, it is not deemed best to release any railroad company "from any liability to the State except for taxes," &c.

For the reasons assigned, the undersigned begs leave to withhold his assent from the report of the committee, and hopes that the bill will not be passed by the Senate.

J. M. MARTIN,
Senator Ninth, District.

On motion of Mr. Pennington, the majority report was concurred in.

Mr. Parks offered the following amendment ;

Which was adopted ;

Amend by appending to second section the following, to-wit :

Provided, That the outstanding bonds not surrendered or cancelled, for which the Governor is authorized under this section of this act to take an indemnity for the State, shall remain a lien upon said road until same are surrendered or cancelled.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Ayes 19, noes 2.

Ayes—Messrs. Black, Coleman, Cunningham, Dereen, Driesbach, Edwards, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Murphy, Parks, Pennington, Snodgrass, Walton and Wilson—19.

Noes—Messrs. Cooper and Robinson—2.

SPECIAL ORDERS.

At 12 o'clock, the first special order set for that hour came up, it being Senate bill—

More effectually to secure the State of Alabama, against loss in consequence of its endorsement of railroad bonds ;

On motion of Mr. Hamilton,

The further consideration of the bill was postponed until Tuesday next at 12 o'clock m., and it was made the special order for that hour, from day to day until disposed of.

THE SECOND SPECIAL ORDER

Set for 12 o'clock then came up, it being Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State.

On motion of Mr. Hamilton,

The further consideration of the bill was postponed until Tuesday next, at 12 o'clock m., and it was made the special order for that hour, from day to day until disposed of.

Mr. Cooper made the point of order, that the next business before the Senate was Senate bill—

To amend, section four and section seven of an act entitled An act to incorporate the Alabama Mining and, Manufacturing company, approved February 19th, 1867,

It having been made a special order on the 11th instant, for the hour of 12 o'clock m. Thursday, the 13th instant, and being yet indisposed of.

The chair overruled the point of order, and decided that said bill had lost its place as a special order for that hour, and the Senate, on the 19th instant, having made Senate bill —

Regulating the charges for transportation of freight upon railroads within this State,

A special order for the hour of 13 m. that day, and the other special orders for that hour, having preference, having been disposed of, the latter bill then came up.

Mr. Cooper appealed from that decision, and the question being,

"Shall the decision of the chair be sustained?"

The chair was sustained ;

Ayes 12, noes 4.

Ayes—Messrs. Coleman, Cunningham, Driesbach, Edwards, Hamilton, Haralson, Harris, Hewitt, Murphy, Parka, Pennington and Walton—12.

Noes—Messrs. Black, Cooper, Dereen and Duskin—4.

The report of the committee was then concurred in.

Mr. Black offered the following amendment to the bill:

Amend section two by striking out the word "five," in third line, and insert the word ' 'four ;"'

Also, by inserting after the word "mile," in the same line, the following : "for first-class tickets, and three cents per mile for second class tickets ;"

On motion of Mr. Hamilton,

The amendment was laid on the table ;

Ayes 16, noes 6

Ayes—Messrs. Coleman, Cooper, Cunningham, Driesbach, Duskin, Goodloe, Hamilton, Harris, Hewitt, Little, Murphy, Pennington, Robinson, Snodgrass, Walton and Wilson—16.

Noes—Messrs. Black, Edwards, Haralson, Leftwich and Parks—5.

Mr. Duskin offered the following amendment,

Which was adopted:

Provided, That each ticket office shall be open, and kept open, for one hour immediately preceding the departure of each passenger train.

Mr. Black offered the following amendment :

Provided, That the provisions of this act shall only apply to the Vicksburg and Brunswick Railroad ;

On motion of Mr. Hamilton,

The amendment was laid on the table.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

Mr. Cunningham moved that the committee on penitentiary, prisons and punishments be allowed to report back Senate bill—

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary ;

Mr. Robinson moved to amend by taking up Senate bill—

For the removal of seat of government from Montgomery, and for other purposes appertaining thereto ;

Mr. Parks moved to lay the motion and amendment on the table ;

Which motion was lost ;

Ayes 10, noes 10.

Ayes—Messrs. Coleman, Cooper, Dereen, Hewitt, Leftwich, Little, Murphy, Parks, Robinson and Wilson—10.

Noes— Messrs. Cunningham, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Pennington, Snodgrass and Walton—10.

On motion of Mr. Cunningham,

The amendment was laid on the table.

Mr. Coleman moved as a substitute for Mr. Cunningham's motion, that House bill to regulate elections in the State of Alabama, be taken up.

On motion of Mr. Goodloe,

The substitute was laid on the table ;

Ayes 11, noes 9.

Ayes—Messrs. Cunningham, Duskin, Edwards, Goodloe, Hamilton, Haralson, Leftwich, Murphy, Pennington, Snodgrass and Wilson—11.

Noes— Messrs. Coleman, Cooper, Dereen, Driesbach, Hewitt, Little, Parks, Robinson and Walton—9.

Mr. Cunningham's motion was then carried.

Mr. Duskin, from the committee on the penitentiary, prisons and punishments, reported favorably to House bill—

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary ;

On motion of Mr. Cooper,

The further consideration of the report and bill was postponed until Tuesday next, at 11 o'clock, and they were made the special order for that hour, and 150 copies of the bill were ordered to be printed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 22, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendments, a Senate-bill—

To repeal in part an act approved December 16, 1871, entitled An act to re-enact and put in force an act to repeal in part, an act to incorporate the Girard Railroad company, approved January 21, 1846.

ROBERT BARBER,
Clerk of the House.

Leave of absence was granted Mr. Glass, and Mr. Clarke, the doorkeeper, until Wednesday next.

On motion of Mr. Little,

House bill—

To authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mentioned, against the State of Alabama, on account of the Alabama and Chattanooga Railroad ;

Bill was read twice, under suspension of the constitutional rule.

On motion of Mr. Cooper,

The bill was referred to the committee on the judiciary, with instructions to report as early as practicable, and 100 copies of the bill were ordered printed.

On motion of Mr. Harris,

Senate bill—

To repeal in part an act approved December 16, 1871, entitled An act to re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad company, approved January 21, 1846,

Was taken up ;

Bill was made the special order for Monday next, immediately after the reading of the journal.

On motion of Mr. Dereen,

Senate bill—

For the relief of James D. Williford, of Tallapoosa county, was taken up ;

Bill was read a third, time, and passed ;

Ayes 11, noes 7.

Ayes—Messrs. Black. Dereen, Duskin, Glass, Haralson, Harris, Leftwich, Murphy, Pennington, Snodgrass and Wilson—11.

Noes— Messrs. Coleman, Cooper, Driesbach, Hamilton, Little, Robinson and Walton—7.

On motion of Mr. Cooper,

Senate bill—

To amend section 4 and section 7 of an act entitled An act to incorporate the Alabama Mining and Manufacturing company, approved February 19th, 1867,

Was made the special order for Monday next, at 12 o'clock.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to consolidate the fund derived from fines and forfeitures with the general fund of the county of Sumter ;

A bill to repeal An act to prohibit the sale of spirituous liquors within three miles of Trinity Methodist Episcopal church, in Morgan county ;

A bill to prevent the sale of spirituous liquors within two miles of Mountain Mills, in Colbert county ;

A bill to encourage the supply to the people of this State of cooking stoves and appurtenances thereto, at reasonable prices.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled—

An act to fix the time of holding the courts in the twelfth judicial circuit ;

An act fixing the per diem and mileage of county commissioners of Colbert county ;

An act to authorize Sarah W. Dugger, of Hale county, to sell, as the administratrix of the estate of Henry B. Dugger, deceased, certain real estate therein named ;

An act to regulate the terms of the courts of the first, judicial circuit.

On motion of Mr. Robinson,

Senate adjourned until 12 o'clock Monday next.

MONDAY, March 34,1873.

Senate met pursuant to adjournment.

In the absence of the Lieutenant Governor, Mr. Hewitt was chosen President pro tempore of the Senate.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Coleman, Cooper, Cunningham, Dereen, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Miller, Parks, Pennington, Robinson, Snodgrass, Walton and Wilson—23.

Journal of yesterday was read and approved.

SPECIAL ORDER.

The special order set for the hour immediately after the reading of the journal, then came up, it being Senate bill—

To repeal in part an act, approved December 16, 1871, entitled An act to re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad company, approved January 21, 1846 ;

On motion of Mr. Pennington,

House amendments to the bill were concurred in.

SPECIAL ORDER.

The special order set for 12 o'clock then came up, it being Senate bill—

To amend section four and section seven of an act entitled An act to incorporate the Alabama Mining and Manufacturing company, approved February 19, 1867 ;

Bill, as amended, was read a third time, under suspension of the constitutional rule, and passed.

CALL OF THE DISTRICTS.

On a call of the districts the following bills were introduced :

By Mr. Cooper—

To prohibit owners of horses and mules from suffering them to run at large in the streets, or on the commons, of any incorporated town or village in Cherokee county, in tins State ;

By Mr. Pennington—

To provide for the payment of the sheriff of Lee county for certain services therein mentioned.

By Mr. Duskin—

To amend section one of an act entitled An act to amend an act entitled an act to establish the Canebrake Agricultural District, to provide for the securing of the same, and the management of its affairs ;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

Mr. Robinson offered joint resolution—

Providing for the adjournment of the present session of the General Assembly of Alabama.

Mr. Hewitt, in the chair, decided that it was not in order to offer joint resolution on a call of the districts ;

Mr. Robinson appealed from that decision ;

And the question being,

" Shall the decision of the chair be sustained."

The chair was sustained ;

Ayes 14, noes 8.

Ayes—Messrs. Black, Dereen, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Miller, Pennington, Snodgrass and Wilson—14.

Noes— Messrs. Coleman, Cooper, Cunningham, Driesbach, Little, Parks, Robinson and Walton—8.

By Mr. Harris,

For the relief of John T. Ware, sheriff of Russell county.

By Mr. Jones—

For the relief of H. W. Caffey, of Lowndes county.

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Haralson—

To authorize the judges of the circuit, criminal, or city courts having criminal jurisdiction, to remove the solicitors of such courts for incompetency or malfeasance ;

By Mr. Haralson—

To repeal an act entitled An act to regulate the appointment of receivers in chancery ;

By Mr. Haralson—

To regulate the settlements of executors, administrators and guardians ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Haralson—

To regulate attorney's fees in certain cases ;

Which bill was read twice, under suspension of the constitutional rule, and ordered to a third reading.

By Mr. Coleman—

To repeal an act entitled An act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, approved February 1, 1873, so far as the same relates to the county of Limestone ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

Montgomery, March 24, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 22d inst. he approved and signed the following bills, originating in the Senate :

An act to repeal section 3939 of the Revised Code of Alabama ;

An act to amend section 7 of An act to authorize the commissioners' court of Tuskaloosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage, approved December 4, 1871 ;

An act to fix the times of holding the chancery court for the ninth district of the western chancery division of Alabama, composed of the county of Hale ;

An act to fix the time and place of holding the chancery courts in the districts composed of the counties of Barbour, Henry, Dale and Bullock, of the eastern chancery division of the State of Alabama ;

An act to amend section 2 (two) of an act entitled An act to create a new chancery district out of the county of Dale, approved February 18, 1871 ;

An act to amend the charter of the Selma, Marion and Memphis Railroad company.

Respectfully,

C. J. ATKINSON,

Recording Secretary.

With leave, Mr. Robinson offered the following joint resolution, which was adopted :

JOINT RESOLUTION,

Providing for an adjournment of the present session of the General Assembly—

Resolved by the Senate (the House of Representatives concurring,) That the General Assembly of the State of Alabama, now in session, shall adjourn sine die on Monday, March 31, 1873, at 12 m.

Mr. Goodloe offered the following resolution, which was adopted :

Resolved, That his Excellency the Governor, be and he is hereby requested to inform the Senate, as soon as practicable, what amount of money has been received at the Treasury of the State from each county, on account of taxes, since the present Treasurer went into office, and whether the same was paid in money or in warrants, and the amount of each kind, together with the time when each payment was made.

INTERNAL IMPROVEMENTS.

With leave, Mr. Pennington, from the committee on internal improvements, reported favorably to Senate bills—

To amend an act entitled An act to incorporate the Mobile Magnolia association ; and to amend an act entitled An act to authorize the construction of a plank or shell road along the bay of Mobile, approved February 10, 1854, and the amendments thereof, approved January 6, 1856, and January 20, 1854 ;

In relation to the corporation known as the Mobile Theandric ;

The reports were concurred in, and the bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill—

To prevent the wanton destruction of fish in the State of Alabama ;

The report was concurred in.

Mr. Coleman moved to amend by excluding the counties of Limestone, Jefferson, Walker, St. Clair and Lauderdale.

On motion of Mr. Goodloe,

The amendment was laid on the table.

Ayes 10, noes 9.

Ayes—Messrs. Black, Dereen, Duskin, Goodloe, Hamilton, Haralson, Miller, Pennington, Walton and Wilson—10.

Noes—Messrs. Coleman, Cunningham, Driesbach, Hewitt, Jones, Little, Parks, Robinson and Snodgrass—9.

Mr. Snodgrass offered the following amendment,

Which was lost :

Amend by excepting the counties of Jackson and Marshall.

Mr. Coleman offered the following amendment,

Which was adopted :

Provided, That this act shall not be so construed as to prohibit fishing with hook and line or common drag seine in Limestone county ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and lost.

Ayes 7, noes 8.

Ayes—Messrs. Duskin, Edwards, Goodloe, Jones, Pennington, Walton and Wilson—7.

Noes—Messrs. Coleman, Cooper, Driesbach, Harris, Hewitt, Leftwich, Robinson and Snodgrass—8.

REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary, reported favorably to House bills—

To declare the effect and provide for the preservation of records and judicial proceedings by authority of laws in force within the limits of this State, on and after the eleventh day of January, 1861, until the restoration of civil government by the authority of the United States ;

To amend section 1073 of the Revised Code ;

The reports were concurred in, and bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendment, to House bill—

For the relief of J. W. Shephard, tax collector of Tuskaloosa county ;

The report was concurred in, and the amendment adopted.

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bills—

To provide for making non-resident heirs parties defendant when the ancestor dies, while a suit is pending against him in a court of law for the recovery of real estate, and for their protection in such cases ;

To repeal an act entitled An act to amend an act entitled an act to incorporate the Sepulgah River Manufacturing company, of Conecuh county ;

To regulate the practice in cases of applications for mandamus in the courts of this State inferior to the supreme court ;

To amend section 1652 of the Revised Code, so as to authorize associations to establish offices of discount and deposit, as well as offices of discount, deposit and circulation ;

To amend section 3016 (2587) of the Revised Code of Alabama ;

The reports were concurred in, and bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to Senate bill—

To ratify certain acts, judgments and other proceedings therein mentioned ;

The adverse report was concurred in, and bill laid on the table.

Also, rom the same committee, a substitute for Senate bill—

To regulate proceedings in bastardy ;

Substitute to be entitled as follows :

To amend section 4396 of the Revised Code ;

The amendment was concurred in, and substitute adopted ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, a substitute for Senate bill—

To protect the rights of innocent purchasers in certain cases ;

To be entitled—

Bill to protect persons who, in certain cases, have in good faith paid money ;

The report was concurred in, and substitute adopted ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

BILLS INTRODUCED.

With leave, Mr. Haralson introduced, bill—

To provide for the payment of the teachers of the free public schools ;

Bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 24, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested,

SENATE BILL,

To be entitled as follows :

To authorize the court of county commissioners for the county of Madison, and the State of Alabama, to issue new bonds, to pay off bonds of said county to fall due January 1,1874, and to levy a special tax to pay the interest on them.

And has passed

HOUSE BILL,

In which the concurrence of the Senate, is requested, to be entitled as follows :

To amend the third section of An act to incorporate the Tennessee and Coosa Railroad company, approved January 16,1844.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
March 24, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed

With an amendment, in the nature of a substitute, to be entitled, as follows:

To establish a new charter for the city of Demopolis ;

And ordered, same forthwith to the Senate.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Dereen,

Senate bill—

To establish a new charter for the city of Demopolis,

Was taken up ;

Senate concurred in House amendment to the bill.

Mr. Hamilton, from the committee on the judiciary, reported favorably to Senate bill—

To provide for keeping jurors together in capital cases, and more effectually to guard said trials ;

The report was concurred in.

Mr. Cooper offered the following amendment :

And that said jury shall be kept together until they find a verdict, or are discharged by the court, with the consent of the prisoner.

Pending the consideration of which,

Senate took a recess until eight o'clock p. m.

———

NIGHT SESSION.

Senate met pursuant to adjournment,

With the Lieutenant Governor in the chair.

The question being on the amendment to Senate bill—

To provide for keeping jurors together in capital cases, and more effectually to guard said trials ;

On motion of Mr. Snodgrass,

The amendment was laid on the table.

Mr. Robinson offered the following amendment :

Provided, That this requirement may be waived by consent of the counsel for the State and the attorney for the prisoner ;

On motion of Mr. Hewitt,

The amendment was laid on the table ;

Bill was then read a third time, under suspension of the constitutional rule, and passed.

Mr. Hamilton, from the committee on the judiciary, reported favorably to Senate bills—

To regulate appeal in this State ;

To amend section 1175 of the Revised Code of Alabama ;

To amend section 4207 of the Revised Code of Alabama ;

To amend the 12th and 22d sections of an act entitled An act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction, approved January 27, 1872 ;

To amend sections 2181 and 2187 of the Revised Code of Alabama ;

To enlarge the powers and duties of the clerk of the criminal court of Bullock county ;

To establish a chancery division for the county of Morgan, in the northern chancery division ;

To compel judges of probate to cause the minutes of the probate courts to be written up and papers recorded ;

To remove the administration of the estate of Greenberry B. Franklin, deceased, late of Butler county, from the probate court of the county of Butler to the probate-court of the county of Crenshaw ;

To amend section 873 of the Revised Code of Alabama ;

The reports were concurred in, and the bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendment, to Senate bill—

To confer upon railroad conductors and captains of steamboats authority to make arrests in criminal cases ;

The report was concurred in, and the amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendment, to Senate bill—

To amend section one of an act entitled An act to protect the keepers, owners or proprietors of livery stables, approved March 3, 1871;

On motion of Mr. Snodgrass, report and bill were laid on the table.

Also, from the same committee, favorably to Senate joint resolutions—

Declaring the salary of the Attorney General of this State ;

The report was concurred in, and joint resolutions read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, bill—

For the protection of the use of the telegraph within the State of Alabama ;

Bill was read three times, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to House bills—

To authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mentioned, against the State of Alabama on account of the Alabama and Chattanooga Railroad ;

To prevent the sale or giving away of spirituous and intoxicating liquors within one mile of High Log Baptist church, in Bullock county ;

The reports were concurred in, and bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill-

To amend section 4264 of the Revised Code of Alabama.

On motion of Mr. Hamilton,

Report and bill were laid on the table.

Also, from the same committee, favorably, with an amendment, to Senate bill—

To require clerks of the circuit courts of the State to set cases upon the State docket of the circuit courts for trial on particular days ;

The report was concurred in, and amendment adopted.

Mr. Hewitt moved to amend by excepting Jefferson county from the provisions of the bill;

Mr. Robinson moved to amend the amendment by excluding Chambers county.

On motion of Mr. Pennington,

Bill and amendment were laid on the table.

Also, from the same committee, favorably, with amendment, to Senate bill—

To amend sections 2437, 2438 and 2439 of the Revised Code of Alabama so as to allow guardians to invest the money of their wards in personal property ;

The report of the committee was concurred in.

Mr. Robinson offered the following amendment to the amendment;

Which was adopted:

Amend by inserting after the words "General Assembly," where they occur in the amendment, the following: said bonds to be purchased at their market value ;

The amendment, thus amended, was adopted.

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from same committee, favorably, with an amendment, to Senate bill—

To regulate and provide for the payment of the fees of solicitors, in certain cases.

On motion of Mr. Robinson,

Bill and report were indefinitely postponed.

FINANCE AND TAXATION.

Mr. Walton, from committee on finance and taxation, reported favorably to Senate bills—

To relieve the Savannah and Memphis Railroad company from illegal assessment of taxes for the year 1871 ;

To require judges of probate to pay the fees and charges to tax collectors out of the redemption money of lands bought by the State ;

To require tax collectors to collect uncollected taxes which have been paid to the State or county by their predecessors in office ;

To authorize the redemption of lands sold for taxes and purchased by the State ;

To fix the official bond of tax collector for the county of Dallas ;

To regulate the fees of judges of probate, in certain cases therein mentioned ;

To prohibit courts of county commissioners from levying a tax for county purposes upon the special State tax provided for a sinking fund ;

To provide for the payment of clerks and sergeant-at-arms of committees of the General Assembly ;

The reports were concurred in, and the bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to Senate bills—

To repeal sections 117 and 118 of the revenue laws of the State of Alabama ;

To exempt certain church property, therein named, from taxation ;

Which adverse reports were severally concurred in.

Also, from, the same committee, adversely to Senate bills—

For the relief of Andy J. Tidwell, late tax collector of Fayette county ;

For the relief of Seaborne A. Edwards, of Perry county, as administrator of the estate of A. M. Mahan ;

The reports and bills were severally laid on the table.

Also, from the same committee, favorably to Senate bill—

To prohibit certain public officers, their agents or deputies, from purchasing or trafficing in county claims.

Mr. Parks moved to amend by including judges of probate, county solicitors, justices of the peace and notaries public.

On motion of Mr. Cooper,

Bill and amendments were laid on the table.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed:

A bill to amend sections 3, 4, 5 and 7 of an act entitled An act in relation to the Southern Express company, approved February 26, 1872 ;

A bill to authorize the Governor to settle with the Montgomery and Eufaula Railroad company ;

A bill to authorize the Governor to grant and issue a patent to David Edwards, for certain lands therein named ;

A bill to authorize the Governor to grant and issue a patent to David Farris for certain, lands therein named ;

A bill to regulate the practice in the circuit court of Baldwin county ;

A bill to amend section first (1) of the charter of Elyton Land company, in Jefferson county, Alabama, incorporated under the general laws of this State ;

A bill regulating the charges for transportation of freight upon railroads within this State.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 24, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originiated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To repeal an act entitled An act to prevent the wanton destruction of fish in Marshall, Madison and Limestone counties ;

And ordered the same forthwith to the Senate, without engrossment.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 24, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To amend section 1 of an act to amend sections 1 and 11 of an act entitled An act to incorporate the Opelika and Talladega Railroad company, approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, and further amended by an act approved February 20, 1866, entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861 ;

To provide for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida, and of the Congress of the United States.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 24, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

To confer upon the several chancery courts of this State power to declare married women free dealers ;

To exempt certain persons therein named from working on public roads in this State ;

To authorize the Columbus and Tennessee Valley Railroad company, now known as the Columbus, Fayette and Decatur Railroad company, to call on the South and North Alabama Railroad company, as the successor of the Tennessee and Alabama. Central Railroad company, to survey, at their own expense, the route of the Columbus, Fayette and Decatur railroad, from Columbus, in the State of Mississippi, to Decatur, in the State of Alabama ;

To amend and increase the capital of the Ohio and Alabama Manufacturing company ;

To amend an act, approved March 9, 1871, for the distribution of Brickell's Digest ;

To prevent frauds in the weighing and sampling of cotton, and to regulate the same ;

To amend and revise An act to incorporate the Pickens and Noxubee (Miss.) Railroad company, approved February 2, 1856 ;

To amend an act to fix the time of holding the courts in the 11th judicial circuit, approved February 18, 1870 ;

To amend and increase the capital of the Manchester Mining and Manufacturing company, of Alabama ;

To repeal An act repealing an act to enable certain officers to collect their fees.

Also, a joint resolution, as follows :

Memorializing .the Congress of the United States to refund the cotton tax, for educational purposes.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Robinson,

House bill—

To provide for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida, and of the Congress of the United States,

Was taken up ;

Bill was read twice, under suspension of the constitutional rule.

Mr. Robinson moved to refer bill to the committee on internal improvements.

Mr. Cooper moved to refer bill to the committee on federal relations ;

The question being taken on Mr. Cooper's motion,

It was carried.

On motion of Mr. Dereen,

Senate adjourned untill 10:15 o'clock to-morrow.

TUESDAY, March 25, 1873.

Senate met pursuant to adjournment.

On a call of the roll, the following Senators answered to their names:

Messrs. Carmichael, Cooper, Coleman, Cunningham, Dereen, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Miller, Murphy, Parks, Robinson, Royal, Snodgrass, Walton and Wilson—24.

Journal of yesterday was read and approved.

NOTICE OF RECONSIDERATION.

Mr. Cunningham gave notice that he would make a motion to reconsider the vote by which Senate bill—

To prevent the wanton destruction of fish in the State of Alabama,

Was lost on yesterday.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 25, 1873.

Mr. President :

I am directed by the Governor to communicate to the Senate a message in writing.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 26, 1873.

I am directed to inform the Senate that the House of Representatives has passed, with amendment, Senate bills, to be entitled as follows :

To authorize the counties of Coosa and Clay to issue bonds ;

In relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named.

And has passed, without amendment—

"Senate joint memorial to the Congress of the United States, for the opening of the Coosa river."

And has concurred, in Senate amendment to following-House bills:

To repeal an act entitled An act to establish public pounds in the county of Montgomery ;

For the relief of Joseph F. Boyles, tax collector of Monroe county.

ROBERT BARBER,
Clerk of the House.

REPORTS FROM SELECT COMMITTEE.

Mr. Hewitt, from select committee, reported favorably to Senate bill—

To incorporate the town of Springville, in St. Clair county, Alabama ;

The report was concurred in, and bill read a third time under suspension of the constitutional rule, and passed.

CONSIDERATION OF HOUSE MESSAGES.

Senate concurred in House amendment to Senate bill—

To authorize the court of county commissioners for the county of Madison, and State of Alabama, to issue new bonds to pay off bonds of said county, to fall due January 1, 1874, and to levy a special tax to pay the interest on them ;

House joint resolution, memorializing the Congress of the United States to refund the cotton tax for educational purposes,

Was laid on. the table ;

Ayes 18, noes 3.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Dereen, Driesbach, Duskin, Goodloe, Harris, Hewitt, Little, Miller, Murphy, Parks, Pennington, Robinson, Snodgrass and Walton—18.

Noes—Messrs. Haralson, Jones and Wilson—3.

House bill—

To prevent frauds in weighing and sampling of cotton, and to regulate the same,

Was read twice, under suspension of the constitutional rule ;

Mr. Haralson moved to amend as follows ;

By striking out " six ounces," and insert "one-half pound ;"

Bill and amendment, were referred to the committee on internal improvement.

House bills—

To authorize the Columbus and Tennessee Valley Railroad company, now known as the Columbus, Fayette and Decatur Railroad company, to call on the South and North Alabama Railroad company, of the State, as the successor in the corporate franchises of the Tennessee and Alabama Central Railroad company, to survey at their own expense, the route from Columbus, in the State of Mississippi, to Decatur, in the State of Alabama ;

To amend and increase the capital of the Ohio and Alabama Manufacturing company ;

To amend and revise an act to incorporate the Pickens and Noxubee (Miss.) Railroad, company, approved February 2, 1856 ;

To amend the third section of an act to incorporate the Tennessee and Coosa Railroad company, approved January 16, 1844 ;

Were severally read-twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

House bill—

To amend section one of an act entitled An act to amend sections one and eleven of an act entitled an act to incorporate the Opelika and Talladega Railroad company, approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9,1861, and further amended by act approved February 20, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9,1861, approved December 7, 1866 ;

Was read twice, under suspension of the constitutional rule.

Mr. Hewitt moved to amend as follows :

Amend by striking out the words, “and from some point on the above named route, by the town of Talladega to Guntersville, Alabama,” where they occur in lines 28 and 29 on second page of said bill. Amend by inserting after the word “State” in the 28th line, on 2d page of said bill, the following, viz: “and the city of Birmingham in Jefferson county, Alabama.”

Bill and amendment were referred to committee on internal improvements.

House bills—

To confer upon the several chancery courts of this State power to declare married women free dealers ;

To amend and increase the capital of the Manchester Mining and Manufacturing company, of Alabama ;

Were severally read twice, under suspension of the constitutional rule, and ordered to a third reading.

House bill—

To amend an act to fix the time of holding the circuit courts in the eleventh judicial circuit, approved February 18, 1870 ;

Was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Parks, Ervin and Miller.

House bill—

To amend an act approved March 9, 1871, for the distribution of Brickell' s Digest,

Was read twice, under suspension of the constitutional rule.

Mr. Parks offered the following amendment,

Which was adopted :

Amend by inserting after " judge of a city court " the words "and criminal court" ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

House bill—

To exempt certain persons from working on public roads in this State,

Was read three times forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At the hour of 11 o'clock the special order set for that hour came up, it being House bill—

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary.

On motion of Mr. Parks—

The further consideration of the same was suspended until the House messages were disposed of.

Mr. Coleman gave notice that he would make motion to reconsider vote by which Senate, on yesterday, passed Senate bill—

To establish a chancery district for the county of Morgan, in the northern chancery division.

House bill—

To repeal an act repealing an act entitled An act to enable certain officers to collect their fees, approved December 31, 1868, and repealed February 7, 1871,

Was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

House bill—

To repeal an act entitled An act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties,

Was read twice, under suspension of the constitutional rule.

Mr. Goodloe moved to refer the bill to committee on the revision of the laws ;

Pending the consideration of which,

At the hour of 12 o'clock, the

FIRST SPECIAL ORDER

Set for that hour came up, it being Senate bill—

More effectually to secure the State of Alabama against loss in consequence of its endorsement of railroad bonds.

Mr. Parks offered the following amendment:

Amend the fourth section of the bill by annexing thereto the following proviso, to-wit :

Provided, That the commissioners hereunder appointed shall report in writing to the next General Assembly, and at each ensuing session thereof, all the acts, transactions and proceedings, together with full and complete exhibits of the gross earnings, expenses, floating debt, and entire liabilities of each railroad company in the State which has or may hereafter receive endorsement of its bonds by the State.

And, provided further, That said commissioners shall ascertain and embrace, in their reports, a statement of the extent of the State's endorsement for each company, what use has been made of bonds so endorsed, whether the same have been sold or hypothecated, and, if sold, whether for a less amount than ninety per cent. of their value ; and whether the whole amount of bonds endorsed for each company have been disposed of, and if not, what proportion thereof, and how and when disposed of, and to whom, and for what amount.

And it shall be the duty of said commissioners, also, to-report such scheme, plan or policy, as they may deem most advisable for the State to pursue with reference to-its railroad connections.

On motion of Mr. Parks,

The bill and amendment were referred to a select committee, consisting of Messrs. Pennington, Parks and Hamilton.

SECOND SPECIAL ORDER

Set for 12 o'clock, then came up, it being Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State ;

The substitute reported, by the committee was adopted

Mr. Parks offered the following amendment to the sixth section,

Which was adopted :

After the words "counties of," in fifteenth line, insert, "Barbour, Pike, Crenshaw ;" and after "Wilcox" insert "Clarke and Choctaw."

Strike out the phrase "between Camden and Greenville," after the word "line" in the seventeenth line, and insert, "through their respective counties, to the points mentioned in said charter."

Mr. Carmichael offered the following amendment to the first section :

Provided, That no bonds shall be issued, and delivered to any railroad company under the provisions of this section for more than one mile of road constructed after the passage of this act, unless such company shall return to the Governor the bonds previously endorsed for at least one mile of road, receiving therefor the bonds of the State as provided for by the following section, and such issuance and delivery of bonds shall go on, mile for mile, until the road is completed.

Pending the consideration of which,

On motion of Mr. Hewitt,

Senate took a recess until 8 o'clock p. m.

NIGHT SESSION.

Senate met pursuant to adjournment.

At 8 o'clock, the

SPECIAL ORDER

Set for that hour came up, it being report from a committee.

Mr. Goodloe, from the committee on federal relations, reported favorably to House bill—

To provide for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida, and of the Congress of the United States ;

The report of the committee was concurred in.

Mr. Hamilton offered the following amendment:

Insert in twelfth line of second section :

Said commissioners shall make report of what they may do under the terms of this act, to the General Assembly at its next session, for its consideration, and upon the acceptance and ratification of the same by the General Assembly of this State.

On motion of Mr. Pennington,

The further consideration of the bill was postponed until to-morrow at one o'clock, and it was made the special order for that hour.

Senate resumed consideration of Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsements of bonds of the various railroad companies of this State.

With leave, Mr. Carmichael withdrew the amendment.

Mr Carmichael then offered the following amendment to the first section,

Which was adopted :

Provided, That this section shall not be construed so as to permit any railroad company relinquishing future endorsements, to receive any State bonds under this section, unless such company shall also return the bonds previously endorsed for them by the State, in accordance with sections 2 and 4 of this act.

Mr. Cunningham offered the following amendment,

Which was adopted:

Provided, That the Georgia Western railroad company shall be entitled to the provisions of this act only and whenever its road is located and constructed by way of the city of Talladega, and the construction of the same in Alabama shall commence at Talladega ; said railroad company conforming, in all respects, to the conditions of the acts under which State aid is granted to railroad companies.

On motion of Mr. Cooper ,

The seventh section of the bill was stricken out.

Mr. Parks offered the following amendment,

Which was adopted:

Amend fourth section as follows, to-wit : Strike out the word " may," and insert "shall;" and after the word "whereupon," in the sixth line, insert the words, "in consideration thereof, and as a condition precedent."

Mr. Parks offered the following amendment,

Which was adopted:

SECTION 11. Be it further enacted, That the Governor, in the issue of new bonds, as provided for by this act, shall be guided and governed by the number and amount of straight and endorsed bonds surrendered ; that is to say, that at all times during the operation of this act, the amount of bonds heretofore issued or endorsed by the State in aid of railroads to be surrendered, as provided for by this act, shall exceed the amount to be issued, as provided for in this act, at least one-fourth.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Ayes 20, noes 1.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Dereen, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Hewitt, Leftwich, Little, Parks, Pennington, Royal, Snodgrass, Walton and Wilson—20.

Noes—Mr. Robinson—1.

On motion of Mr. Coleman,

House bill—

To repeal an act entitled An act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties,

Was taken up.

Mr. Goodloe moved to indefinitely postpone the bill.

On motion of Mr. Coleman,

The motion was laid on the table.

Bill was then ordered to a third reading.

Senate concurred in House amendments to Senate bills—

To authorize the counties of Coosa and Clay to issue bonds ;

In relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed—

A bill to remove the administration of the estate of Greenberry B. Franklin, deceased, late of Butler county,

from the probate court of Butler to the probate court of the county of Crenshaw ;

A bill to amend section 1175 of the Revised Code of Alabama ;

A bill to amend An act to incorporate the Mobile Magnolia association, and to amend an act entitled An act to authorize the construction of a plank or shell road along the bay of Mobile, approved February 10, 1854, and the amendments thereof, approved January 6, 1856, and January 20,1854 ;

A bill to provide for keeping jurors together while engaged in the trial of capital cases, and more effectually to guard said trials ;

A bill to regulate attorneys' fees in certain cases ;

A bill to amend section 4 and section 7 of an act entitled An act to incorporate the Alabama Mining and Manufacturing company, approved February 19, 1867 ;

A bill to repeal an act entitled an act to amend an act entitled An act to incorporate the Sepulgah River Manufacturing company, of Conecuh county ;

A bill to regulate the practice in cases of application for mandamus in the courts of this State inferior to the supreme court ;

A bill to provide for the payment of the sheriff of Lee county for certain services therein mentioned ;

A bill to prohibit owners of horses or mules from permitting them to run at large in the streets or on the commons of any incorporated town or village in Cherokee county, in this State ;

A bill to authorize the redemption of lands sold for taxes, and purchased by the State

A bill in relation to the corporation known as the Mobile Theandric ;

A bill to provide for making non-resident heirs parties defendant when the ancestor dies while a salt is pending against him in a court of law for the recovery of real estate, and for their protection in such cases ;

A bill to protect persons who, in certain cases, have in good faith paid money ;

A bill to require the tax collector to collect uncollected taxes which have been paid to the State or county by their predecessors in office.

On motion of Mr. Pennington,

House bill—

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary,

Was taken up;

Pending the consideration of which,

On motion of Mr. Hamilton,

Senate adjourned until 10:15 o'clock tot-morrow.

WEDNESDAY, March 26, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow, of Montgomery.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Duskin, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—24.

The journal of yesterday was read and approved.

Messrs. Harris and Jones asked and obtained leave to record their votes in the affirmative on the passage of

Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State.

RECONSIDERATION.

On motion of Mr. Coleman,

The vote by which Senate passed Senate bill—

To establish a chancery district for the county of Morgan, in the northern chancery division,

Was reconsidered.

On motion of Mr. Edwards,

The bill was indefinitely postponed.

MOTION TO RECONSIDER.

Mr. Snodgrass moved to reconsider the vote taken yesterday by which Senate passed Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State.

Mr Cobb moved to postpone the consideration of the motion until to-morrow, immediately after the reading of the journal ;

Which motion was lost.

On motion of Mr. Dereen,

The motion was laid on the table.

Ayes 17, noes 8.

Ayes—Messrs. Black, Carmichael, Cunningham, Dereen, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Pennington, Royal, Walton and Wilson—17.

Noes— Messrs. Cobb, Coleman, Cooper, Driesbach, Little, Miller, Parks and Snodgrass—8.

Leave to enter his protest against the passage of the bill was granted Mr. Cobb.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 26, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows:

To amend an act entitled An act to amend the third and eighth sections of an act entitled an act to incorporate the Pensacola and Mobile Railroad company.

ROBERT BARBER
Clerk of the House.

With leave, Mr. Hamilton offered joint resolution—

Authorizing the appointment of a committee in relation to the river and harbor of Mobile, with a memorial ;

The joint resolution was read. and adopted.

BILLS INTRODUCED.

By Mr. Haralson—

In relation to the fine and forfeiture fund of Dallas county.

By Mr. Carmichael—

To amend, section one of an act entitled An act to fix the time of holding the circuit court in the eighth judicial circuit, approved February 3, 1870 ;

By Mr. Robinson—

To repeal an act requiring justices of the peace in Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16th, 1871. so far as the same relates to Chambers county ;

By Mr. Cooper—

To make Coosa river a lawful fence, as therein shown, and to authorize owners of land on said river through which a public road may pass leading to said river, to erect gates at such points on said river as will protect against intrusion of stock ;

By Mr. Miller—

To repeal section 1759 of the Revised Code of Alabama ;

Which bills were severally read. three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Goodloe—

To amend section 2004 of the Revised Code of Alabama ;

Which bill was read twice, Under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Duskin—

To authorize and require the auditor to transfer certificates of purchase of lands bid in by the State, upon payment of taxes and costs due thereon ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Pennington—

To enable the commissioner of industrial resources to enforce section 3, article 12, of the Constitution of this State;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on industrial resources and public buildings.

With leave, Mr. Miller, from the committee on industrial resources and public buildings, reported favorably to House bill—

To provide for repairs on the capitol building ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Hamilton, from the committee on the judiciary, reported favorably to Senate bill—

To repeal an act entitled. An act to regulate the appointment of receivers in chancery ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Walton, from the committee on finance and taxation, reported adversely to Senate bill—

To provide for the payment of the teachers of the free public schools.

Mr. Coleman moved to postpone the consideration of the report until 12 o'clock to-morrow, and make it the special order for that hour ;

Which motion was lost;

The adverse report was concurred in ;

Ayes 15, noes 9.

Ayes— Messrs. Carmichael, Cobb, Cooper, Cunningham, Doster, Driesbach, Hamilton, Harris, Hewitt, Little, Pennington, Robinson, Royal, Snodgrass and Walton —15.

Noes—Messrs. Black, Coleman, Edwards, Haralson, Jones, Leftwich, Murphy, Parks and Wilson—9.

Mr. Parks, from the committee on municipal and county organizations,, reported favorably to Senate bill—

Authorizing the city council of Montgomery to condemn and purchase real estate as therein provided ;

The report was concurred in, and bill read third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Carmichael, House bill—

To amend an act entitled An act to amend the third and eighth sections of an net entitled an act to incorporate the Pensacola and Mobile Railroad company, was taken up.

Bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Parks, Harris, Royal, Miller, Black, Driestbach, Hamilton and Carmichael.

Mr. Hamilton, from the committee on the judiciary, reported favorably to Senate bill—

To regulate the organization of grand juries in Bullock county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being House bill—

To authorize the purchase of land and mules for the State of Alabama, to be used in connection with the penitentiary ;

The report of the committee was concurred in ;

Ayes 19, noes 7.

Ayes—Messrs. Black, Cooper, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Leftwich, Miller, Murphy, Pennington, Royal, Snodgrass and Wilson—19.

Noes—Messrs. Carmichael, Cobb, Coleman, Hewitt, Little, Parks and Robinson—7.

Mr. Robinson offered the following amendment :

This act shall not be so construed as to prevent any succeeding session of the General Assembly from repealing this act and should the same be repealed, then the holders of the bonds issued under the provisions of this act shall be entitled to the net profits as herein prescribed, up to the time of said repeal, and to his vendors' lien on said. lands, and nothing more.

SPECIAL ORDER.

On motion of Mr. Pennington, the special order set for one o'clock was postponed until the bill under consideration was disposed of.

On motion of Mr. Pennington,

Mr. Robinson's amendment was laid on the table.

Mr. Hewitt offered the following amendment :

Amend seventh section by inserting the following after the word "elsewhere," where it occurs in third line of said section, to-wit : " Or from hiring out any of the convicts to other persons, to be worked within the limits of this State for a term not to exceed six years ;"

On motion of Mr. Goodloe,

The amendment was laid on the table ;

Ayes 14, noes 11.

Ayes— Messrs. Black, Cunningham, Dereen, Doster, Duskin, Edwards, Goodloe, Haralson, Harris, Leftwich, Murphy, Pennington, Royal and Wilson—14.

Noes—Messrs. Carmichael, Cobb, Coleman, Driesbach, Hamilton, Hewitt, Little, Parks, Robinson, Snodgrass and Walton—11.

Mr. Carmichael offered the following amendment :

Provided, That under no circumstances shall the farm of one Thomas Williams, lying upon the Tallapoosa

river, and which was lately ten feet under water, be purchased under the provisions of this act ;

On motion to Mr. Wilson,

The amendment was laid on the table ;

Ayes 24, noes 2.

Ayes—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—24.

Noes—Messrs. Carmichael and Driesbach—2.

Mr. Parks offered the following amendment to section 4:

Amend by striking out all of said section after the word "'delivery," in the 6th line.

On motion of Mr. Doster,

The amendment was laid on the table ;

Ayes 16, noes 10.

Ayes—Messrs. Black, Cunningham, Dereen, Doster, Duskin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Pennington and Wilson—16.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Driesbach, Edwards, Little, Parks, Robinson and Snodgrass—10.

Mr. Robinson offered the following amendment:

And that no convict shall be worked upon said farm whose sentence of imprisonment shall be five years or more;

On motion of Mr. Pennington,

The amendment was laid on the table;

Ayes 17, noes 10.

Ayes—Messrs. Black, Cobb, Cunningham, Dereen, Doster, Duskin, Edwards, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—17.

Noes—Messrs. Carmichael, Coleman, Cooper, Driesbach, Hamilton, Hewitt, Little, Parks, Robinson and Snodgrass —10.

Mr. Hewitt offered the following amendment :

Insert nest after the words "paid annually," where they occur in 5th line of 3d section, the following words, to-wit : "out of the nett profits arising from the cultivation of said farm."

Mr. Goodloe moved to lay the amendment on the table;

Which motion was lost;

Ayes 13, noes 14.

Ayes—Messrs. Black, Dereen, Doster, Duskin, Goodloe, Haralson, Jones, Leftwich, Miller, Murphy, Pennington, Royal and. Wilson—13.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Little, Parks, Robinson, Snodgrass and Walton—14.

The question recurring on the adoption of the amendment,

It was lost ;

Ayes 13, noes 14.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Driesbach, Edwards, Hamilton, Hewitt, Little, Parks, Robinson, Snodgrass and Walton—13.

Noes—Messrs. Black, Cunningham, Dereen, Doster, Duskin, Goodloe, Haralson, Jones, Leftwich, Miller, Murphy, Pennington, Royal and Wilson—14.

Mr. Robinson offered the following amendment:

Insert in 8th section, after the word "bonds," the words "or the interest thereon,"

On motion of Mr. Pennington,

The amendment was laid on the table ;

Ayes 18, noes 10.

Ayes—Messrs. Black, Cunningham, Dereen, Doster, Duskin, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Miller, Murphy, Pennington, Royal, Walton and Wilson—18.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Driesbach, Edwards, Little, Parks, Robinson and Snodgrass—10.

Mr. Pennington moved to order the bill to a third reading at 11 o'clock to-morrow ;

Mr. Cooper moved to amend the motion by striking out "11 o'clock;"

Which motion was lost ;

Bill was then ordered to a third reading, at 11 o'clock to-morrow.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed:

A bill to fix the official bond of the tax collector, for the county of Dallas ;

A bill to regulate the fees of judges of probate in certain cases therein mentioned;

A bill to amend sections 2437, 2438 and 2439 of the Revised Code of Alabama, so as to allow guardians to invest the money of their wards in personal property ;

A bill to prohibit courts of county commissioners from levying a tax for county purposes upon the special State tax to provide a sinking fund.;

A bill to provide for the payment of clerks and sergeants-at-arms of committees of the General Assembly.

A bill to relieve the Savannah and Memphis Railroad, company from illegal assessment of taxes for the year 1871:

A bill to require judges of probate to pay fees and charges to tax collectors out of the redemption money of lands bought by the State ;

A bill to enlarge the powers and duties of the clerk of the criminal court of Bullock county ;

A bill to authorize railroad conductors and captains of steamboats to make arrests in criminal cases ;

A bill to regulate appeals in this State ;

A bill to amend section 4207 of the Revised Code of Alabama;

A bill to amend section 4396 of the "Revised Code;

A bill for the protection of the use of the telegraph within the State of Alabama ;

A bill to amend section 873 of the .Revised Code of Alabama ;

A bill to amend sections 2181 and 2187 of the Revised Code of Alabama;

A bill to amend section 3016 (2587) of the Revised Code of Alabama;

A bill to compel judges of probate to cause the minutes of the probate courts, to be written up and papers recorded;

A bill to amend section 1652 of the Revised Code, so as to authorize associations to establish offices of discount and deposit, as well as offices of discount, deposit and circulation;

Also—

A joint resolution, declaring the salary of the Attorney General of this State ;

A joint resolution authorizing the appointment of a committee in relation to the river and harbor of Mobile.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 26, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which

the concurrence of the Senate is requested, to be entitled as follows:

To prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one mile of O' Neal's grist mill, at Eureka coal mines, in Jackson county ;

To prohibit the sale or giving away of spirituous, vinous or malt liquors, in certain cases, in this State ;

For the relief of William Steely, of Jackson county ;

To remove the guardianship of William Charles Edgar Lingen, a minor, from the probate court of Mobile county to the Royal Bavarian city court of Bamberg.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
March 26, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILLS,

To be entitled as follows :

To incorporate the town of Evergreen, Conecuh county;

To amend an act entitled An act to incorporate the Tuskegee Female college, approved February 2, 1854.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
March 26, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows:

To enlarge the jurisdiction of the county court of Autauga county.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 25, 1873.

To the President and Senate of the State of Alabama :

GENTLEMEN—I have the honor to transmit to you herewith a communication of Hon. Arthur Bingham, Treasurer of Alabama, in reply to your resolution of enquiry of —— instant, in respect to receipts by him from the tax collectors of the State.

I have the honor to be,
Your obedient servant,
DAVID P. LEWIS,
Governor.

STATE OF ALABAMA, TREASURY DEPARTMENT,
Montgomery, March 24, 1873.

To His Excellency, David P. Lewis,
Governor of Alabama :

SIR—Yours of this date, with a copy of the Senate resolution, is received, requesting me to make a statement of the amount of money that has been received since I have been in office, and what amount of same was paid in currency, State certificates, and warrants. This would be impossible, as there is no record kept in this office of the different kinds of issues received for taxes from the different counties.

All payments into the Treasury, whether the same is in currency, State certificates, or warrants, are received, and receipted for just the same.

I would suggest that the Senate appoint a committee to examine this office in regard to the amount of receipts of different issues and disbursements, and they can report direct to the Senate.

Your obedient servant,
ARTHUR BINGHAM
State Treasurer.

On motion of Mr. Goodloe,

The Governor's message and accompanying communication were referred to the committee on the judiciary, with instructions to report by bill or otherwise as early as practicable.

Mr. Coleman moved to take a recess until 8 o'clock ;

Which motion was lost ;

Ayes 13, noes 14.

Ayes—Messrs. Carmichael, Coleman, Dereen, Doster, Edwards, Goodloe, Harris, Hewitt, Leftwich, Parks, Royal and Wilson—12.

Noes—Messrs. Cobb, Cooper, Cunningham, Driesbach, Duskin, Hamilton, Haralson, Jones, Little, Miller, Murphy, Pennington, Robinson and Walton—14.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 26, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that on the 25th instant he approved and signed the following bills, originating in the Senate :

An act to establish a court of chancery in Crenshaw county ;

An act to amend section 7 of An act to empower the Governor to appoint notaries public, approved August 11, 1868, so far as the same relates to beats number four and five, in Montgomery county.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

SPECIAL ORDER.

The special order set for one o'clock then came up, it being House bill—

To provide for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida, and the Congress of the United States ;

The question was on the adoption of Mr. Hamilton's. amendment ;

Pending which,

On motion of Mr. Hewitt,

The Senate took a recess until 8 o'clock p. m.

NIGHT SESSION.

Senate met pursuant to adjournment.

With leave, Mr. Little introduced, the following bills :

Bill to relieve Annie B. and Jennie W. Isbell, minors, of Sumter county, from the disabilities of non-age, and authorize them to sell and convey their interests in lands in which they are interested, and do any other act they could do, if they were twenty-one years of age ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

Bill to authorize the commissioners court of Sumter county to levy a tax not to exceed fifty per cent. on the county tax of said county, to provide a sinking fund to pay the debt of said county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed ;

Senate resumed consideration of House bill—

To provide for the annexation of West Florida to the State of Alabama, with the consent of the State of Florida, and the Congress of the United States ;

The question being on the adoption of Mr. Hamilton's amendment,

On motion of Mr. Goodloe,

The amendment was laid on the table ;

Ayes 15, noes 11.

Ayes—Messrs. Carmichael, Cobb, Coleman, Dereen, Duskin, Goodloe, Haralson, Hewitt, Leftwich, Miller, Parks, Pennington, Robinson, Royal and Wilson—15.

Noes—Messrs. Black, Cooper, Cunningham, Doster, Driesbach, Edwards, Hamilton, Little, Murphy, Snodgrass and Walton—11.

On motion of Mr. Goodloe,

The constitutional rule was suspended for the purpose of giving the bill a third reading forthwith ;

Ayes 21, noes 6.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Dereen, Doster, Duskin, Edwards, Goodloe, Haralson, Hewitt, Leftwich, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—31.

Noes—Messrs. Cooper, Cunningham, Driesbach, Hamilton and Little—5.

Bill was read a third time, and upon the question of its passage,

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Dereen, Doster, Duskin, Edwards, Goodloe, Haralson, Hewitt, Leftwich, Miller, Murphy, Parks, Pennington, Robinson, Royal, Walton and Wilson — 19.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Driesbach, Hamilton and Snodgrass —6.

The chair announced the vote, but before declaring the bill had passed,

Mr. Hamilton made the constitutional point that the bill not having received the concurrence of two-thirds of the members of the Senate, it was lost.

The chair overruled the constitutional point, and decided that the bill had passed.

On motion of Mr. Pennington,

Senate adjourned until 10:15 o'clock to-morrow ;

Ayes 14, noes 12.

Ayes—Messrs. Carmichael, Cobb, Coleman, Duskin, Haralson, Leftwich, Little, Miller, Murphy, Pennington, Robinson, Royal, Walton and Wilson—14.

Noes— Messrs. Black, Cooper, Cunningham, Dereen, Doster, Driesbach, Edwards, Goodloe, Hamilton, Hewitt, Parks and Snodgrass —12.

———

THURSDAY, March 27, 1873.

Senate met pursuant lo adjournment.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Dereen, Doster, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—26.

Journal of yesterday was read and approved.

Messrs. Harris and Jones asked leave to record their votes in favor of the passage of tile House bill—

To provide for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida, and the Congress of the United States.

Mr. Cooper objected, contending that under a rule of the Senate, when the yeas and nays are taken upon any question, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

The chair overruled the objection, and. decided that the Senators had the right to record their vote, by way of showing their assent to the action of the Senate in the passage of the bill ; and thereupon their votes were recorded in favor of the passage of said bill.

ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills, reported the following bills as correctly enrolled :

An act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named.

An act to authorize the court of county commissioners for the county of Madison, and State of Alabama, to issue new bonds to pay off bonds of said county, to fall due January 1st, 1874, and to levy a special tax to pay the interest on them.

Joint memorial to the Congress of the United States for the opening of the Coosa river.

An act to authorize the counties of Coosa and Clay to issue bonds.

The President laid before the Senate the following communication from lion. Arthur Bingham, State Treasurer :

STATE OF ALABAMA, TREASURY DEPARTMENT,
March, 1873.

To the President of the Senate :

SIR—Inasmuch as there seems to be some misapprehension in the minds of members of the General Assembly, as to the amount of currency, and also the proportion of State certificates and warrants, received from tax collectors by me since last December, and to the amount of currency paid out by me as Treasurer, I would respectfully ask that a joint committee be appointed to make full investigation of the facts, and report the same.

I make this request as a matter of justice, and as the best means whereby to correct suspicions, which have been excited for base purposes, and which, such investigation will demonstrate to be as unjust as they are unfounded.

I am, very respectfully,

ARTHUR BINGHAM,
State Treasurer.

Mr. Pennington moved that a committee of three be appointed in accordance with the request pf the communication.

Mr. Goodloe offered the following resolution as a substitute for Mr. Pennington' s motion :

Resolved, That the Treasurer of the State furnish the best and most accurate information in his possession with reference to the matters enquired of in a resolution passed on the 24th day of March, 1873, calling for said report.

Pending the consideration of which, at eleven o'clock, the

SPECIAL ORDER.

set for that hour came up, it being House bill—

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary ;

Bill was read a third time.

Mr. Martin moved to recommit bill to the committee on penitentiary, prisons and punishments.

On motion of Mr. Goodloe,

The motion was laid on the table.

Ayes 15, noes 9.

Ayes—Messrs. Cunningham, Dereen, Doster, Duskin, Glass, Goodloe, Harris, Hewitt, Jones, Leftwich, Murphy, Pennington, Royall, Snodgrass and Wilson—15.

Noes— Messrs. Carmichael, Cooper, Driesbach, Edwards, Little, Martin, Parks, Robinson and Walton—9.

Bill was then passed ;

Ayes 21, noes 6.

Ayes—Messrs. Black, Cunningham, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Pennington, Royal, Snodgrass, Walton and Wilson—21.

Noes—.Messrs. Carmichael, Coleman, Little, Martin, Parks and Robinson—6.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 27, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills to be entitled as follows :

To amend section one of an act entitled An act to fix the time of holding the circuit court in the eighth judicial circuit, approved February 3d, 1870 ;

To authorize the Governor to grant and issue a patent to David Edwards for certain lands therein named.

To authorize the Governor to grant and issue a patent to David Farris for certain lauds therein named.

Also, joint resolutions—

Authorizing the appointment of a committee in relation to the river and harbor of Mobile.

To provide for paying the expenses incurred by the Senate select committee at the session of 1871-1872, in investigating the condition and management of the Alabama and Chattanooga Railroad.

And has passed, with amendment,

Senate joint resolution—

To pay J. R Wing for work done in repairing furniture in the Senate chamber.

ROBERT BARBER,
Clerk of the House.

Mr. Miller offered the following resolution :

Resolved, by the Senate of Alabama, That the doorkeeper of the Senate be, and he is hereby required, to take charge of the national nag recently purchased for the use of the capitol, and shall be required to hoist said flag over the Senate chamber at 9 o'clock a. m., during the sessions of the Legislature, and shall lower said flag at the hour of adjournment of the General Assembly each day.

Mr. Doster offered the following amendment:

That the doorkeeper be instructed to hoist the national flag over the capitol every morning, upon the meeting of the Senate, and lower it upon the adjournment of the same ;

The amendment was adopted ;

And the resolution, thus amended, was adopted.

With leave, Mr. Haralson introduced joint resolution—

To pay James Hale for work done in the Senate chamber ;

Which was read three times, under suspension of the constitutional rule, and passed.

Mr. Martin, from select committee, reported favorably to Senate bill—

For the relief of Catharine Dent, a minor ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Coleman,

House bill—

To regulate elections in the State of Alabama—

Was taken up.

Mr. Hewitt moved to suspend the constitutional rule, so as to give the bill a third reading forthwith;

Which motion was lost, less than four-fifths of the Senate voting in the affirmative ;

Ayes 15, noes 10.

Ayes—Messrs. Carmichael, Coleman, Cooper, Doster, Driesbach, Edwards, Harris, Hewitt, Little, Martin, Parks, Pennington, Robinson, Snodgrass and Walton—15.

Noes—Messrs. Black, Cobb, Goodloe, Hamilton, Haralson, Jones, Leftwich, Miller, Murphy and Wilson—10.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported the following bills as correctly engrossed :

A bill to regulate the organization of grand jurors in Bullock county ;

A bill to repeal An act requiring justices of the peace in Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16th, 1871, so far as the same relates to Chambers county ;

A bill to incorporate the town of Springville, in the county of St. Clair ;

A bill to amend the twelfth and twenty-second sections of an act entitled An act to establish a criminal court for Bullock county, with criminal and civil jurisdiction ;

A bill to repeal section 1759 of the Revised Code of Alabama;

A bill to repeal an act entitled An act to regulate the appointment of receivers in chancery ;

A bill to make Coosa river a lawful fence, as therein shown, and to authorize owners of land on said river through which a public road may pass, leading to said river, to erect gates at such points on said road as will protect against intrusion of stock.

Mr. Goodloe moved to postpone the further consider; tion of bill until Monday next, at 12 o' clock, and make it the special order for that hour;

Which motion was lost.

Sections 18, 19, 20 and 21 of said bill were then severally ordered, to a third, reading.

Mr. Hewitt moved to amend- section 22 by inserting after the word "politics," where it occurs in the ninth line of said section, the words "when practicable."

On motion of Mr. Coleman,

The amendment was laid on the table.

Section 22 was then ordered to a third reading.

Mr. Haralson offered, the following amendment to section 23:

Amend section so as to read as follows: "And that they shall keep three poll lists, and immediately after the polls are closed, one of said lists shall be forwarded to the Secretary of State, and one shall be forwarded, to the board of supervisors of the county, and one shall be delivered, to a justice, of the peace in the precinct in which said elections are held, to be entered in a book to be known as the election precinct book, to be furnished by the court of county commissioners, and that these lists shall be used as evidence in fact in all cases of a contested election.

On motion of Mr. Edwards,

The amendment was laid on the table.

Sections 23, 24, 25, 26, 27, 28, 29 and. 30 were then severally ordered to a third reading.

Mr. Haralson moved to amend section 31, by striking out the words " white paper ;"

Which, on motion of Mr. Cooper, was laid on the table.

Sections 31, 32, 33, 34, 35, 36, 37, 38, 39,40 and 41 were severally ordered to a third reading.

Mr. Parks moved to amend by striking out section 42.

On motion of Mr. Black,

The amendment was laid on the table.

Mr. Cobb offered the following amendment to section 42:

Provided, That the elector shall have the right to erase the name of any candidate from his ballot, and insert the name of any other candidate, without any regard to the political opinions of the candidates voted for by such elector ;

Pending consideration of which,

Senate took a recess until 8 o'clock p. m.

NIGHT SESSION.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Martin, Parks, Robinson, Royal, Snodgrass, Walton and Wilson—25.

Mr. Duskin moved to take up Senate bill—

For the removal of the seat of government from Montgomery, and for other purposes appertaining thereto.

On motion of Mr. Hewitt,

The motion was laid on the table.

Senate resumed consideration of House bill—

To regulate elections in the State of Alabama;

The question being on Mr. Cobb's amendment,

On motion of Mr. Parks,

The amendment was laid on the table.

On motion Mr. Parks,

The further consideration of the bill by sections was dispensed with, so as to order the bill to a third reading;

On motion of Mr. Hewitt,

The constitutional rule was suspended, and the bill, as amended, was read a third time forthwith, and passed.

Mr. Martin moved to reconsider the vote just taken on the passage of the bill ;

On motion of Mr. Doster,

The motion was laid on the table.

Mr. Doster moved take up Senate bill—

To protect all the citizens of the United States in the State of Alabama in their civil rights.

Mr. Robinson moved to amend by taking up Senate bill—

To provide for the removal of the seat of government from Montgomery, and other purposes appertaining thereto.

On motion of Mr. Parks,

The motion and amendment was laid on the table.

On motion of Mr. Martin,

Senate bill to amend sections 3, 4, 5 and 7 of an act entitled An act in relation to the Southern Express company, approved February 26, 1872, was taken up ;

Bill was read a. third time.

Mr. Duskin moved to lay bill on the table ;

Which motion was lost ;

Ayes 7, noes 18.

Ayes—Messrs. Black, Curtis, Doster, Duskin, Glass, Hamilton and Haralson—7.

Noes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Harris, Hewitt, Leftwich, Little, Martin, Parks, Robinson, Royal, Snodgrass, Walton and Wilson—18.

Mr. Haralson moved to indefinitely postpone the bill.

On motion of Mr. Robinson,

The motion was laid on the table ;

A yea 17, noes 8.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Glass, Harris, Hewitt, Little, Martin, Parks, Robinson and Wilson—17.

Noes—Messrs. Doster, Duskin, Goodloe, Hamilton, Haralson, Royal, Snodgrass and Walton—8.

Mr. Haralson moved to postpone the further consideration of the bill until Monday next, at 12 o'clock, and make it the special order for that hour, and that fifty copies be printed.

Mr. Cooper moved to lay the motion on the table ;

Which motion was lost ;

Ayes 13, noes 14.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Hewitt, Little, Martin and Robinson—13.

Noes—Messrs. Curtis, Doster, Duskin, Glass, Goodloe Hamilton, Haralson, Harris, Leftwich, Parks, Royal, Snodgrass, Walton and Wilson—14.

Pending the consideration of the motion,

On motion of Mr. Duskin,

Senate adjourned until 10:15 to-morrow ;

Ayes 16, noes 10.

Ayes—Messrs, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Hamilton, Haralson, Harris, Leftwich, Little, Parks, Royal, Snodgrass, Walton and Wilson—16.

Noes—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hewitt, Martin and Robinson—10.

FRIDAY, March 28, 1873.

Senate met pursuant to adjournment.

On a call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—29.

Journal of yesterday was read and approved.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled :

An act to amend section one of An act to fix the time of holding the circuit court in the eighth judicial circuit.

With leave, Mr. Martin, from the committee on local legislation, reported favorably to Senate bill—

To amend section two of An act to incorporate a medical college of the State of Alabama, at Montgomery ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Parks, from select committee, reported favorably, with amendment, to House bill—

To amend an act entitled An act to amend the third and eighth sections of an act entitled an act to incorporate the Pensacola and Mobile Railroad company ;

The report was concurred in, and the amendment adopted.

Mr. Cooper moved to amend as follows :

Provided, That said road is not to receive any State endorsement ;

Mr. Black moved to lay the amendment on the table ;

Which motion was lost ;

Ayes 13, noes 14.

Ayes—Messrs. Black, Carmichael, Cunningham, Edwards, Haralson, Hewitt, Leftwich, Little, Miller, Parks, Pennington, Royal and Walton—13.

Noes—Messrs, Coleman, Cooper, Curtis, Dereen, Doster, Driesbach, Glass, Hamilton, Harris, Jones, Martin, Murphy, Robinson and Snodgrass —14.

The amendment was then lost ;

Ayes 6, noes 24.

Ayes—Messrs. Cooper, Hamilton, Harris, Little, Martin and Robinson—6.

Noes—Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Haralson, Hewitt, Leftwich, Miller, Murphy, Parks, Pennington, Royal, Snodgrass, Walton and Wilson—24.

Bill, as amended, was then read a third time, under suspension of the constitutional rule, and passed ;

Ayes 27, noes 2.

Ayes—Messrs. Black, Carmichael, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Miller, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—27.

Noes—Messrs. Cooper and Martin—2.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 28, 1873.

Mr. President:

I am directed, by the Governor to inform the Senate that on the 27th inst. he approved and signed the following bills, originating in the Senate :

An act to authorize the counties of Coosa and Clay to issue bonds;

An act to authorize the court of county commissioners for the county of Madison, State of Alabama, to issue new bonds, to pay off bonds of said county which are now outstanding and will fall duo January 1, 1874, and to levy a special tax to pay the interest on said bonds ;

An act to repeal in part an act approved December 16, 1871, entitled An act to re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad company, approved January 21,1846 ;

An act in relation to the fine and forfeiture fund of Tuskaloosa, and other counties therein named.

Also, the following:

Joint memorial to the Congress of the United States for the opening of the Coosa river.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

CONSIDERATION OF HOUSE MESSAGES.

Senate concurred in the amendment of the House to Senate bill—

To prohibit the sale or giving away of wines, spirituous or malt liquors within five miles of certain places in Cherokee county therein named, and within two miles of Watoola church, in Russell county, Alabama.

House bill—

To repeal an act entitled An act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties,

Was read third time, under suspension of the constitutional rule, and passed.

The title of the bill was amended by adding thereto the words : " so far as the same relates to the counties of Marshall and Limestone."

With leave, Mr. Goodloe introduced bill—

To prevent the wanton destruction of fish in this State;

Bill was read three times forthwith, under suspension of the constitutional rule ;

Bill was then passed ;

Ayes 21, noes 1.

Ayes—Messrs. Carmichael, Cobb, Curtis, Doster, Driesbach, Duskin, Glass, Goodloe, Hamilton, Haralson, Harris, Jones, Martin, Murphy, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—21.

Noes—Mr. Coleman—1.

ENROLLED BILLS.

Mr Carmichael, from the committee on enrolled bills, reported as correctly enrolled :

An act to incorporate the town of Evergreen, Conecuh county ;

An act to amend an act entitled An act to incorporate the Tuskegee Female college, approved February 2d, 1854 ;

An act to authorize the Governor to grant and issue a patent to David Edwards for certain lands therein named ;

An act to authorize the Governor to grant and issue a patent to David Farris for certain lands therein named.

Joint resolution to provide for paying the expenses incurred by the Senate select committee at the session of

1871-72, in investigating the condition and management of the Alabama and Chattanooga Railroad ;

Joint resolution authorizing the appointment of a committee in relation to river and harbor of Mobile.

Also, an act to establish a new charter for the city of Demopolis, is correctly enrolled.

Mr. Hamilton, from the committee on the judiciary, reported a substitute for Senate bill—

To enlarge the powers of the "Huntsville Agricultural and Mechanical association ;"

The substitute to be entitled a bill—

To enlarge the powers of the Huntsville Agricultural and Mechanical association, the North Alabama Agricultural and Mechanical association, and the Tennessee Valley Agricultural and Mechanical association ;

The report was concurred in, and the substitute adopted ;

The bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

BILLS INTRODUCED.

The following bills were introduced :

By Mr. Duskin—

To incorporate the Invincible Hook and Ladder company, No. 1, of Greensboro, Alabama ;

Which bill was read twice, under suspension of the constitutional rule.

On motion of Mr. Hamilton,

Bill was laid on the table.

By Mr. Duskin—

To protect game and insectiverous birds ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Royal—

To amend section 16 of an act entitled An act to establish a criminal court for Bullock county, with criminal and civil jurisdiction ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Little—

To prohibit the judges of the probate court of this State from appointing any clerk, employee, or any person connected with the office of judge of the probate court as guardian ad litem, in any case ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Cooper offered the following amendment, which was adopted :

Amend by inserting, after the words "connected with his office," the words " or connected with said judge by consanguinity or affinity ;"

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Title of bill was amended by inserting, after " court," where it last occurs in the title, the words " or connected with said judge by consanguinity or affinity."

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to authorize the commissioners court of Sumter county to levy a tax, not to exceed 50 per cent. on . the county tax of said county, to provide a sinking fund to pay the debt of said county ;

A bill for the relief of Catherine Dent, a minor ;

A bill to amend section 2 of An act to incorporate a medical college of the State of Alabama, at Montgomery ;

A bill to prevent the wanton destruction of fish in this. State.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 28, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originiated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor ;

To fix the times of holding the chancery court in the second district of the western chancery division of Alabama, composed of the county of Choctaw ;

To authorize the assessment and collection of the tax upon the lands of Walter H. McDaniel, by the tax assessor and collector of the county of Bibb, and exempt the

same from assessment and collection in the county of Perry ;

To prevent the diversion or use of the public school fund of the State of Alabama for any other purpose than the support and maintenance of the public schools of the State ;

To amend An act to authorize the commissioners court of Pike county to collect a tax to pay bridge claims ;

To provide for the election of town marshal in the town of Athens;

To repeal an act entitled An act to enable the commissioners courts of St. Clair, Walker and Choctaw counties, respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties, approved February 7, 1870, in so far as the same relates to the county of St. Clair.

ROBERT BARBER,
Clerk of the House.

Mr. Martin, from the committee on local legislation, reported back, without recommendation, Senate bill—

To amend section 3 of an act entitled An act to amend the charter of the Mobile Trade company, approved December 6, 1866 ;

The report was received.

Mr. Hewitt moved to indefinitely postpone the bill;

Which motion was lost;

Ayes 6, noes 13.

Ayes—Messrs. Cooper, Doster, Glass, Goodloe, Hewitt and Martin—6.

Noes—Messrs. Curtis, Dereen, Driesbach, Edwards, Hamilton, Haralson, Harris, Little, Parks, Pennington, Royal, Walton and Wilson—13.

The question recurring on ordering bill to a third reading,

Senate refused to order it to a third reading ;

Ayes 12, noes 13.

Ayes—Messrs. Cobb, Curtis, Dereen, Driesbach, Hamilton, Haralson, Little, Parks, Pennington, Royal, Walton and Wilson—13.

Noes—Messrs. Carmichael, Coleman, Cooper, Doster, Edwards, Glass, Goodloe, Harris, Hewitt, Martin, Robinson and Snodgrass —12.

Leave of absence was granted Mr. Robinson for three weeks ;

Ayes 21, noes 3.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Harris, Leftwich, Little, Miller, Pennington, Royal, Snodgrass, Walton and Wilson—21.

Noes—Messrs. Haralson, Martin and Parks—3.

INTERNAL IMPROVEMENTS.

Mr. Pennington, from the committee on internal improvements, reported favorably, with amendment, to Senate bill—

To create a lien in favor of railroad contractors ;

The report was concurred in, and the amendment adopted.

On motion of Mr. Pennington,

The further consideration of bill was postponed until Monday next, at 1 o'clock, and it was made the special order for that hour, and fifty copies of bill ordered printed.

Also, from the same committee, favorably, with amendment, to House bill—

To amend the third section of an act to incorporate the Tennessee and Coosa Railroad company, approved January 16, 1844 ;

The report was concurred in, and amendment adopted.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendment, to Senate bill—

To amend the charter of the Alabama and Georgia Railroad company, and invest it with authority to elect its officers and directors whenever the amount of the subscription to the capital stock shall be sufficient to complete the grading of said road from the western terminus of the Memphis Branch Railroad, of Georgia, to or near Cornwall Iron Works, in Alabama, and to validate the same ;

The report was concurred in, and the amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Senate concurred in House amendment to Senate bill—

To prohibit the sale or giving away of vinous, spirituous or malt liquors within five miles of certain places in Cherokee county therein named.

Senate concurred in House amendment to Senate joint resolution—

To pay J. R. Wing for work done in repairing furniture in Senate chamber.

Messrs. Cobb and Martin presented the following protest relative to the passage of bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State :

PROTEST.

The undersigned, representing the 8th and 9th Senatorial Districts of Alabama, not being present when "a bill to be entitled an act to provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State," was passed by the Senate, have asked and obtained leave to spread this their protest upon the journal of the Senate.

The grounds of objection to this bill, may be stated as follows:

I. That the State is already staggering into bankruptcy under the weight of debts, and liabilities for debts, created and entered into for the benefit of the railroad companies of Alabama. That debt, no one, who has regard for the interest of the State, is willing to see increased ; and especially so, since such increase of it will insure the repudiation of it.

II. This bill, if it become a law, will unquestionably increase the debt of the State; and, it may be added, to an amount beyond the barest possibility of payment. It is believed that no railroad company, now entitled to endorsement, can avail itself of the benefits of this measure unless it be solvent, or has good credit. From such railroad companies, damage to the State to a greater extent than $4,000 per mile is not expected. The companies already insolvent will not, it is insisted, return any of the endorsed bonds. Besides, several companies, having long lines of road, have already forfeited their right to further endorsement of their bonds, by not completing sections of the road within the time limited by existing laws ; so that, as to such companies, there can be no further increase of debt, or liability, under existing laws. But the 5th section of this bill opens the door to them a-gain, and keeps it open, until the 1st day of November,

1874 ; it gives them until that time within which to complete " the next section of twenty miles," and leaves it until 1974, if they like, in which to complete the next succeeding section. This will certainly increase the bonded debt of the State.

III. But the sixth section is still more objectionable ; for it extends the provisions of the first section to " any railroad company incorporated under the laws of Alabama," which has twenty miles of completed road on the 1st of November, 1874, and includes roads of all guages not less than three feet. This section would, of itself, bankrupt any State.

IV. The seventh section of the bill gives to the State a lien upon the gross earnings of the road, only, to secure the payment of the per centage required to be paid annually by the road to the State, and it needs but the bare suggestion to any intelligent mind to satisfy it that a lien upon money amounts to no available security.

V. The ninth section is an endorsement of one of the most serious vices of our railroad system. It permits foreign boards of directors, with the principal office out of the State to control our railroads.

VI. The tenth section is, perhaps, no new law ; and yet suggestive of the evils and spirit of the bill. It makes the law and, its acceptance by any road a contract not to be impaired.

VII. In every aspect, the measure is in the interest of the railroad companies. It affords no protection to the interests of the State ; but requires the surrender of all liens held by the State upon the roads, and is in effect tantamount to a bonus of $4000 per mile to be given by the State to railroad companies, now existing, or to be created, under our State laws.

R. W. COBB,
Senator Eighth District,
J. M. MARTIN,
Senator Ninth District

INTERNAL IMPROVEMENTS.

Mr. Pennington, from the committee on internal improvements, reported favorably to House bill—

To authorize the Columbus and Tennessee Valley Railroad company, now known as the Columbus, Fayette and Decatur Railroad company, to call on the South and North Alabama Railroad company, of the State, as the successor in the corporate franchises of the Tennessee

and Alabama Central "Railroad, company, to survey at their own expense, the route of the said Columbus, Fayette and Decatur Railroad, from Columbus, in the State of Mississippi, to Decatur, in the State of Alabama ;

The report was concurred in.

On motion of Mr. Cobb,

The further consideration of the bill was postponed until Monday next at two o'clock, and it was made the special order for that hour, and fifty copies of the bill ordered to be printed.

Also, from the same committee, favorably, with amendments, to Senate bill—

To provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties ;

Pending consideration of which,

On motion of Mr. Wilson,

Senate adjourned until 10:15 o'clock, to-morrow ;

Ayes 34, noes 12.

Ayes— Messrs. Black, Carmichael, Cobb, Duskin, Glass, Hamilton, Leftwich, Little, Martin, Miller, Murphy, Pennington, Royal and Wilson—14.

Noes—Messrs. Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Goodloe, Haralson, Hewitt, Parks, Snodgrass and. Walton—12.

SATURDAY, March 29, 1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Little, Martin, Miller, Murphy, Parks, Pennington, Snodgrass, Terrell, Walton and Wilson—28.

Journal of yesterday was read and approved.

Messrs. Hamilton, Cooper, Cunningham and Terrell presented the following

PROTEST,

Relative to the passage of House bill—

" To provide for the annexation of West Florida to the State of Alabama, with the consent of the State of Florida, and of the Congress of the United States."

The undersigned, Senator from the twenty-eighth Senatorial district of the State of Alabama, dissents from and protests against the proceedings of the Senate of Alabama, at its session on the night of the 26th March, 1873, in the passage of a bill entitled "An act to provide for the annexation of "West Florida to the State of Alabama, with the consent of the State of Florida, and of the Congress of the United States," by a vote of nineteen yeas to six nays, and against the ruling of the President of the Senate, whereby he decided that said act, upon that vote, had been passed in accordance with the Constitution of the State ; and availing himself of his constitutional right to have the reasons of his dissent entered on the journal of the Senate, respectfully presents this his dissent and protest, in writing, that it may be entered on the journal.

The undersigned protests against the same :

1st. Because said act was ruled to have been passed, without the concurrence of two-thirds of the members of the Senate, as required by section thirty-two of article four of the Constitution ; the said act not being passed to borrow or raise money for purposes of military defence against actual or threatened invasion, rebellion or insurrection, but to authorize the issue of the obligations of the State, for the payment of money, on its credit, for purposes not within the exception.

3d. Because, in effect, the issue of the bonds called for by this act, is the borrowing or raising money, within the prohibitions of the Constitution of the State, otherwise this restriction of the Constitution on the power of the General Assembly can always be evaded by the simple device of providing that the bonds of the State shall be used for any purpose the General Assembly may direct, without the conversion of them into money, by sale or hypothecation, and so the credit and good name of the State, and the indefinite increase of its liabilities, be left without the protection designed by the Constitution.

3d. Because the financial condition of the State does not justify any increase in its public debt.

4th. Because the State is already embarrassed by the weight of liabilities resting upon it, and the addition of one million dollars thereto, cannot do other than still further embarrass it, and still further depress the value of its securities, and render the negotiation of its bonds for pressing necessities more difficult to be effected, when it is

already surrounded by difficulties disastrous to the credit of the State.

5th. Because the act authorizes the commissioners who are to be appointed thereunder, to arrange the terms of the proposed acquisition of territory from the State of Florida, with out restraint, except as to the price to be tendered, and no right of approval or rejection of the terms they may agree to, is reserved to itself by the General Assembly.

6th. Because by the terms of this act, the General Assembly has, as to this matter of acquisition, and the terms on which it is to be made, and the laws by which the newly acquired citizens are to be governed, abdicated its duty of legislator, and conferred the power upon the commissioners to be appointed under it, contrary to the high duty resting upon it by the Constitution, being alone vested with "the legislative power of the State."

7th. Section 37, article 4, of the Constitution, requires the General Assembly, in the event of the annexation of foreign territory, " to enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition, any thing in the Constitution to the contrary, notwithstanding." By this act the General Assembly has conferred upon commissioners, to be appointed by the Governor, without restraint and without reference to itself for consideration and approval or rejection, power to declare the rights and privileges which the inhabitants of the acquired territory may enjoy. Such power is dangerous to be confided to any set of commissioners, and is subject to be greatly abused, to the injury of former citizens of the State ; and yet, by the terms of this act, that power has been granted, and when under that power, terms of acquisition have been agreed on by the commissioners, by force of the Constitution the General Assembly is bound to enact laws to enforce them, no matter what their character may be : and so this General Assembly has tied its hands to prevent wrong to the former citizens of the State and their rights.

8th. Because the Senate refused to adopt the amendment proposed by the Senator from Mobile, whereby the rightful power of the General Assembly on this subject, would have been reserved to the law-making power and government of this State.

Wherefore, for these reasons, the undersigned respectfully protests against the action of the Senate in the premises, and requests tins, his protect, may be spread upon the journal of the Senate.

P. HAMILTON,
Senator Twenty-eighth District.

MARCH 26, 1873.

We unite in the above protest.

THO. B. COOPER,
Senator Sixth District.

A. Cunningham,
Senator Tenth District.

JNO. A. TERRELL,
Senator Twelfth District,

Mr. Hamilton called up House bill—

To remove the guardianship of William Charles Edgar Lingen, a minor, from the probate court of Mobile county to the Royal Bavarian city court of Bamberg ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Doster called up House bill—

To enlarge the jurisdiction of the county court of Autauga county ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Carmichael—

To limit the effect of an act entitled An act to amend section one of an act entitled an act to fix the time of holding the circuit court in the eighth judicial circuit ;

By Mr. Cobb—

To incorporate the town of Clanton, in the county of Baker ;

By Mr. Walton—

To remove the voting precinct in beat 3 of Choctaw county, now held at John Barkin's, to Phillips' store ;

By Mr. Hamilton—

To repeal an act to provide for the improvement of the river, harbor and bay of Mobile, approved February 19, 1867 ;

By Mr. Hamilton—

Regulating judgment entries in trials by juries ;

By Mr. Carmichael—

To require the clerk of the circuit court of Dale county to set causes upon the State docket of his court for trial on particular days ;

By Mr. Harris—

To authorize Catherine McCardle, of Muscogee county, in the State of Georgia, to administer upon the estate of Felix McCardle, late of Russell county, Alabama ;

By Mr. Wilson—

To amend the charter and constitution of the Montgomery Mutual Building and Loan association ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Little—

To amend section one of an act entitled An act to authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mentioned, against the State of Alabama, on account of the Alabama and Chattanooga Railroad, approved March 28th, 1873 ;

By Mr. Dereen—

To amend section 2357 of the Revised Code of Alabama ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the "judiciary.

By Mr. Little—

To declare Mrs. Mary G. Pharres, wife of J. W. Pharres, of Sumter county, a free dealer ;

By Mr. Walton—

To establish election precincts in the county of Washington ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Dereen—

To encourage, establish and build up cotton factories in the State of Alabama;

By Mr. Miller—

To amend the corporation laws of Alabama ;

By Mr. Miller—

To amend section 1755, subdivision 3, Revised Code of Alabama:

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Walton—

To authorize the court of county commissioners of the county of Washington to levy a special tax to pay the petit and grand, jurors of said county ;

By Mr. Cobb—

To change the boundary line between the counties of Shelby and Baker ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Goodloe—

To authorize the Governor of Alabama to dispose of, by sale or otherwise, the old canal, known as the Muscle Shoals canal, and all the lands, timber, rock and iron belonging or appertaining thereto ; and all the rights and privileges vested in the State of Alabama thereto ;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Carmichael, Goodloe and Little

By Mr. Martin—

To prohibit the sale of vinous, spirituous or malt liquors within two miles of the corporate limits of the city of Tuskaloosa, and the University of Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Buskin, Little, Dereen, Cobb and Curtis.

ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills, reported as correctly enrolled—

An act to prohibit the sale or giving away of vinous, spirituous or malt liquors within five miles of certain places in Cherokee county, therein named, and within two miles of Watoola church, in Russell county, Alabama.

Joint resolution—

To pay J. R. Wing for work done in repairing furniture in the Senate chamber.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 29, 1873.

Mr. President:

I am directed, by the Governor to inform the Senate that on the 28th instant he approved and signed the following bills, originating in the Senate :

An act to amend section 1 of an act entitled An act to fix the time of holding the circuit court in the eighth judicial circuit, approved February 3d, 1870 ;

An act to amend an act entitled An act to incorporate the Tuskegee Female College, approved February 2d, 1854 ;

An act to authorize the Governor to grant and issue a patent to David Edwards for certain lands therein named ;

An act to authorize the Governor to grant and issue a patent to David Farris for certain lands therein named ;

An act to incorporate the town of Evergreen, Conecuh county ;

An act to establish a new charter for the city of Demopolis.

Also, the following joint resolution :

To provide for paying the expenses incurred by the Senate select committee at the session of 1871-72, in investigating the condition and management of the Alabama and Chattanooga railroad.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

REPORTS FROM STANDING COMMITTEES.

Mr. Doster, from the committee on privileges and elections, reported favorably to Senate bill—

To prevent the sale of spirituous liquors within three miles of coal mine now being opened in section 8, township 16, range 2 west, in Jefferson county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Pennington, from the committee on internal improvements, reported favorably to House bill—

To prevent frauds in the weighing and sampling of cotton, and to regulate the same ;

The report was concurred in.

On motion of Mr. Hamilton,

Bill was laid on the table.

Also, from the same committee, favorably to bill—

To amend section 1386 of the Revised Code of Alabama ;

The report was concurred in, and bill read a third time, under, suspension of the constitutional rule, and passed.

Also, from the same committee, a substitute for Senate bill—

To encourage the planting of vineyards and fruit trees, and the growing of clovers and grasses in the State ;

The report was concurred in, and the substitute adopted.

Mr. Goodloe moved to strike out the second section;

On motion of Mr. Carmichael,

The bill and amendment were laid on the table ;

Ayes 20, noes 4.

Ayes—Messrs Carmichael, Cobb, Curtis, Dereen, Doster, Driesbach, Duskin, Goodloe, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Murphy, Snodgrass, Terrell, Walton and Wilson—20.

Noes—Messrs. Coleman, Cooper, Glass and Pennington—4.

Also, from the same committee, favorably to Senate bill—

To induce investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad company's bonds and stock, and thereby to aid in the developing and utilizing of the mineral resources of the State;

The report was concurred in.

Mr. Cooper moved to amend by striking out "ten years" and inserting "five years."

Mr. Goodloe moved to lay the amendment on the table;

Which motion was lost ;

Ayes 9, noes 13.

Ayes—Messrs. Cobb, Curtis, Dereen, Edwards, Goodloe, Jones, Murphy, Pennington and Wilson—9.

Noes— Messrs. Black, Carmichael, Coleman, Cooper, Doster, Driesbach, Duskin, Harris, Little, Martin, Snodgrass, Terrell and Walton—13.

The amendment was then adopted ;

Ayes 13, noes 10.

Ayes—Messrs. Black, Carmichael, Coleman, Cooper, Driesbach, Glass, Hamilton, Harris, Hewitt, Leftwich, Little, Royal and Terrell —13.

Noes—Messrs. Curtis, Dereen, Doster, Edwards, Goodloe, Jones, Martin, Miller, Pennington and Walton—10.

Mr. Hewitt moved to amend as follows:

SEC.—. Be it further enacted, That all the provisions of this act shall extend and apply to the Birmingham and St. Louis Railroad company ;

Mr. Goodloe moved to lay the bill and amendment on the table ;

Which motion was lost;

On motion of Mr. Little,

Bill and amendment were indefinitely postponed.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 29, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To prohibit the sale of ardent spirits within two miles of Bethel church in Winston county, and within two miles of Methodist church at Robinson's Springs, Elmore county ;

To amend section one of an act entitled An act to incorporate the town of Clayton, in the county of Barbour, approved March 15, 1873,

And ordered the same to the Senate forthwith, without engrossment.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
March 29, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills to be entitled as follows :

To enable the administrator, with the will annexed, of James D. Randolph, to sell at private sale enough of the real estate of said testator to pay the debts of said estate ;

To regulate the practice in the circuit court of Baldwin county in certain cases ;

To amend an act to incorporate the Mobile Magnolia association ; and to amend an act entitled An act to authorize the construction of a plank or shell road along the bay of Mobile, approved February 10, 1854, and the amendments thereof, approved January 6, 1856, and January 20, 1854 ;

To repeal an act entitled An act to regulate the appointment of receivers in chancery ;

And with amendment—

To encourage the supply to the people of this State of cooking stoves and appurtenances thereto, at reasonable prices ;

And has concurred in Senate amendment to House bill entitled,

An act for the relief of J. W. Shephard, of Tuscaloosa county.

ROBERT BARBER,
Clerk of the House.

Senate concurred in House amendment to Senate bill—

To encourage the supply to the people of this State of cooking stoves and appurtenances thereto, at reasonable prices ;

Ayes 25, noes 2.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Leftwich, Little, Martin, Miller, Murphy, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—25.

Noes—Messrs. Black and Harris—3.

Leave of absence until Monday next was granted Mr. Clark, the door-keeper.

Mr. Black called up House bill—

To amend section 1 of an act entitled An act to incorporate the town of Clayton, in the county of Barbour, approved March 15, 1873 ;

Bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Black, Martin and Miller.

Mr. Curtis called up Senate bill—

To protect all citizens of the United States within the State of Alabama in their civil rights.

Mr. Terrell moved to adjourn until Monday, at 12 o'clock ;

Which motion was lost ;

Ayes 10, noes 14.

Ayes—Messrs. Carmichael, Coleman, Cooper, Driesbach, Edwards, Hamilton, Martin, Miller, Snodgrass and Terrell—10.

Noes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Harris, Jones, Leftwich, Murphy, Royal, Walton and Wilson—14.

Bill was read a third time.

Mr. Terrell moved to indefinitely postpone bill ;

Pending the consideration of which,

On motion of Mr. Carmichael,

Senate adjourned until Monday at 12 o'clock ;

Ayes 11, noes 5.

Ayes— Messrs. Carmichael, Coleman, Cunningham, Curtis, Driesbach, Edwards, Harris, Little, Martin, Royal and Terrell—11.

Noes—Messrs. Duskin, Glass, Jones, Leftwich and Murphy—5.

MONDAY, March 31, 1873.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Murphy, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—30.

Journal of yesterday was read and approved.

Mr. Coleman moved to suspend regular order for the purpose of introducing a resolution relative to adjournment ;

Which, motion was lost.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Haralson—

To appropriate six hundred dollars for the purpose of distributing the Acts of the present session of the General Assembly, and the Journals of the Senate and House of Representatives.

By Mr. Dereen—

To authorize the Governor to issue a patent to J. F. McDuff, of Tuskaloosa county, for certain lands therein named ;

By Mr. Dereen—

For the relief of John A. Perkins, of Tuskaloosa county.

By Mr. Goodloe—

To authorize Thomas Masterson, administrator de bonis non of Peter Looney, late of Lawrence county, to sell the lands that belong to said estate.

By Mr. Miller—

To encourage the construction and operation of telegraph lines in the State of Alabama ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Wilson—

To authorize the Southern Life Insurance company to do business and make investments of money in this State, as a domestic life insurance company of Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on federal relations.

By Mr. Wilson—

To alter and amend section 1 of An act to prescribe the mode of taking private property for railroads or other purposes, or for public use, approved March 1, 1871;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Edwards—

To create the county of Valhermosa ;

By Mr. Edwards—

To create Decatur county ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to committee on municipal and county organizations,

SPECIAL ORDER.

At one o' clock, the special order set for that hour came up, it being Senate bill—

To create a lien in favor of railroad contractors.

On motion of Mr. Goodloe,

The further consideration of bill was suspended.

Mr. Goodloe called up House bill—

To prevent the diversion or use of the public school fund of the State of Alabama for any other purpose than the support and. maintenance of the public schools of the State;

Bill was read twice, under suspension of the constitutional rule, and referred to the committee on education.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, March 31, 1873.

Mr. President:

I am directed by the Governor to inform the Senate, that on the 29th instant he approved and signed the following bills, which originated in the Senate.:

An act to prohibit the sale or giving away of vinous, spirituous or malt liquors within five miles of certain places in Cherokee county, therein named, and. within two miles of Watoola church in Russell county, Alabama ;

An act to encourage the supply to the people of this State, of cooking stoves, and appurtenances thereto, at reasonable prices.

Also, joint resolution—

To pay J. R. Wing for work done in repairing furniture in the Senate chamber.

Respectfully.
C. J. ATKINSON,
Recording Secretary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
March 31, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed a bill to be entitled:

An act to keep in each county of this State a proportionate share of the public school money.

ROBERT BARBER,
Clerk of the House.

Mr. Goodloe called, up House bill—

To keep in each county of this State a proportionate share of the public school money.

Bill was read twice, under suspension of the constitutional rule.

On motion of Mr. Martin,

The farther consideration of bill was postponed until 11 o' clock to-morrow, and it was made the special order for that hour.

Mr. Hamilton, from the committee on the judiciary, reported substitute for Senate bill—

To regulate grand and petit jurors in this State.

The report was concurred in, and substitute adopted.

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Doster, from the committee on privileges and elections reported favorably to Senate bill—

To authorize O. D. and A. S. Cook, as administrators of the estate of W. R. Cook deceased, late of St. Clair county, to sell the lauds of said estate at private sale, without an order of court.

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

At two o'clock, the

SPECIAL ORDER

Set for that hour came up, it being House bill—

To authorize the Columbus and Tennessee Valley Railroad company, now known as the Columbus, Fayette and Decatur Railroad company, to call on the South and North Alabama Railroad company, of the State, as the successor in the corporate franchises of the Tennessee and Alabama Central Railroad company, to survey, at their own expense, the route of the said Columbus, Fayette and Decatur Railroad, from Columbus, in the State of Mississippi, to Decatur, in the State of Alabama ;

Pending the consideration of which,

Senate took a recess until eight o'clock p. m.

———

Senate met pursuant to adjournment.

Mr. Terrell moved to adjourn;

Which motion was lost;

Ayes 4, noes 12.

Ayes—Messrs. Royal, Terrell, Walton and Wilson—4.

Noes—Messrs. Carmichael, Coleman, Cunningham,

Curtis, Driesbach, Edwards, Glass, Goodloe, Hamilton, Hewitt, Little and- Martin—12.

Senate resumed consideration of House bill—

To authorize the Columbus and Tennessee Valley Railroad company, now known as the Columbus, Fayette and Decatur Railroad company, to call on the South and North Alabama railroad company, of the State, as the successor in the corporate franchises of the Tennessee and Alabama Central Railroad company, to survey at their own expense the route of the said Columbus, Fayette and Decatur Railroad, from Columbus, in the State Qf Mississippi, to Decatur, in the State of Alabama;

Mr. Hewitt moved to amend as follows ;

Amend by striking out the following words, to-wit :

Provided, That all persons paying the same rates of fare shall be entitled to like privileges ; and that no distinction shall be made on the cars of said railroad, between persons who pay the same prices for fare and freights;

The amendment was adopted ;

Ayes 11, noes 9.

Ayes—Messrs. Coleman, Cunningham, Doster, Driesbach, Edwards, Hamilton, Hewitt, Little, Martin, Snodgrass and Terrell—11.

Noes—Messrs. Carmichael, Curtis, Duskin, Glass, Goodloe, Leftwich, Royal, Walton and Wilson—9.

Mr. Martin moved to reconsider the vote just taken on the adoption of the amendment ;

Mr. Hewitt moved to lay the motion on the table ;

Which was lost.

The question recurring on the motion to reconsider,

It was carried ;

Ayes 13, noes 8.

Ayes—Messrs. Carmichael, Cunningham, Curtis, Doster, Duskin, Glass, Goodloe, Leftwich, Martin, Parks, Royal, Walton and Wilson—13.

Noes—Messrs. Coleman, Driesbach, Edwards, Hamilton, Hewitt, Little, Snodgrass and Terrell —8.

On motion of Mr. Goodloe,

The amendment was laid on the table ;

Bill was then read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Coleman,

Senate bill—

To create a lien in favor of railroad contractors,

Was taken up ;

The question being on ordering the bill to a third reading,

Senate refused to order the bill to a third reading ;

Ayes 6, noes 11.

Ayes—Messrs. Coleman, Curtis, Leftwich, Little, Martin and Wilson—6.

Noes—Messrs. Carmichael, Cunningham, Doster, Driesbach, Glass, Goodloe, Hewitt, Parks, Royal, Terrell and Walton—11.

Mr. Carmichael, from select committee, reported favorably, with amendments, to Senate bill—

To authorize the Governor of Alabama to dispose of, by sale, or otherwise, the old canal known as the Muscle Shoals canal, and all the land, timber, rock and iron belonging or appertaining thereto, and all the rights and privileges vested in the State of Alabama thereto ;

The report was concurred in, and the amendments adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Little,

House bill—

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor,

Was taken up ;

Bill was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

Mr. Curtis called up Senate bill—

For the relief of Seaburn A. Edwards, of Perry county, as administrator of the estate of A. M. Mahan ;

The question being on concurring in the adverse report,

It was concurred in ;

Ayes 12, noes 6.

Ayes—Messrs. Carmichael, Cunningham, Doster, Driesbach, Edwards, Glass, Hamilton, Little, Martin, Parks, Royal and Walton—12.

Noes—Messrs. Coleman, Curtis, Duskin, Hewitt, Leftwich and Terrell—6.

On motion of Mr. Duskin,

Senate adjourned until 10:15 o' clock to-morrow ;

Ayes 9, noes 8.

Ayes—Messrs. Carmichael, Doster, Duskin, Hamilton, Leftwich, Little, Parks, Terrell and Walton—9.

Noes—Messrs. Cunningham, Curtis, Driesbach, Edwards, Glass, Hewitt, Martin and Royal—8.

The question being on ordering the bill to a third reading,

Senate refused to order the bill to a third reading ;

Ayes 6, noes 11.

Ayes—Messrs. Coleman, Curtis, Leftwich, Little, Martin and Wilson—6.

Noes—Messrs. Carmichael, Cunningham, Doster, Driesbach, Glass, Goodloe, Hewitt, Parks, Royal, Terrell and Walton—11.

Mr. Carmichael, from select committee, reported favorably, with amendments, to Senate bill—

To authorize the Governor of Alabama to dispose of, by sale, or otherwise, the old canal known as the Muscle Shoals canal, and all the land, timber, rock and iron belonging or appertaining thereto, and all the rights and privileges vested in the State of Alabama thereto ;

The report was concurred in, and the amendments adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Little,

House bill—

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor,

Was taken up ;

Bill was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

Mr. Curtis called up Senate bill—

For the relief of Seaburn A. Edwards, of Perry county, as administrator of the estate of A. M. Mahan ;

The question being on concurring in the adverse report,

It was concurred in ;

Ayes 12, noes 6.

Ayes—Messrs. Carmichael, Cunningham, Doster, Driesbach, Edwards, Glass, Hamilton, Little, Martin, Parks, Royal and Walton—12.

Noes—Messrs. Coleman, Curtis, Duskin, Hewitt, Leftwich and Terrell—6.

On motion of Mr. Duskin,

Senate adjourned until 10:15 o' clock to-morrow ;

Ayes 9, noes 8.

Ayes—Messrs. Carmichael, Doster, Duskin, Hamilton, Leftwich, Little, Parks, Terrell and Walton—9.

Noes—Messrs. Cunningham, Curtis, Driesbach, Edwards, Glass, Hewitt, Martin and Royal—8.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from same committee, favorably to House bill—

To prohibit the sale of spirituous liquors within two miles of the Baptist church, located at Arkadelphia, in the county of Walker ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule ;

On motion of Mr. Hewitt,

The further consideration of the bill was postponed. until to-morrow.

RECONSIDERATION.

On motion of Mr. Hamilton,

The vote by which. Senate on yesterday passed

Senate bill—

To encourage the construction and operation of telegraph lines in the State of Alabama,

Was reconsidered.

The vote by which Senate ordered bill to a third reading was then reconsidered ;

Mr. Hamilton offered the following amendment to bill,

Which was adopted :

SEC. 3. Be it further enacted, That such telegraph company shall be entitled to the right of way over the lands, franchises and easements of other persons and corporations, and the right to erect poles and to establish offices, upon making fair compensation as now provided joy law ;

Bill, thus amended, was read a third time under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 11 o' clock the special order set for that hour came up, it being House bill—

To keep in each county of this State a proportionate share of the public school money ;

Mr. Hamilton offered the following amendment,

Which was adopted:

Insert between the words "poll tax," and "and" in the seventh line of the third section, the words "and the special tax, if any, levied for school purposes in any county ;"

Mr. Terrell moved to indefinitely postpone bill;

On motion of Mr. Hewitt,

The motion was laid on the table.

Ayes 23, noes 2.

Ayes,—Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Poster, Driesbach, Edwards, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Martin, Murphy, Pennington, Royal, Snodgrass, Walton and Wilson—23.

Noes—Messrs. Parks and Terrell —2.

Bill as amended, was then read a third time, under suspension of the constitutional rule, and passed.

Ayes 24, noes 2.

Ayes—Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Martin, Murphy, Pennington, Royal, Snodgrass, Walton and Wilson—24.

Noes—Messrs. Parks and Terrell—2.

Mr. Martin gave notice that he would make a motion to reconsider the vote just taken on passage of the bill.

Mr. Parks, from select committee, reported favorably, with amendments, to House bill—

To amend an act to fix the time of holding the circuit courts in the eleventh judicial circuit, approved February 18th, 1872;

The report was concurred in, and. the amendments adopted.

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Harris, from the committee on education, reported favorably to House bill—

To prevent the diversion, or use of the public school. fund of the State of Alabama for any other purpose than the support and maintainance of public schools of the State ;

The report was concurred in ;

Mr. Hewitt offered the following amendment,

Which was adopted :

Amended by adding the following, as additional section, to-wit :

SEC. — Be it further enacted, That nothing in this act shall be so construed as to repeal an act entitled An act to keep in each county of this State a proportionate share of the public school money ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Ayes 23, noes 1.

Ayes—Messrs. Black, Coleman, Cooper, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Ham-

ilton, Harris, Hewitt, Leftwich, Little, Martin, Miller, Murphy, Parks, Pennington, Snodgrass, Walton and Wilson—23.

Noes—Mr. Terrell —1.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 1, 1873.

Mr. President:

I am directed, to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested, Senate bill to be entitled as follows :

To incorporate the town of Springville, in the county of St. Clair.

Also, without amendment,

Joint resolution to pay Williamson and Johns for work done in Senate chamber.

Also, without amendment, Senate bills—

For the relief of Samuel Edmondson, county treasurer of Etowah county ;

To authorize the chancellor of the western chancery division, fourth district, to ratify and confirm the sale of lands made by J. J. Little to C. M. A. Rogers, and to order the administrator of J. J. Little to make titles thereto ;

To limit the effect of an act entitled An act to amend section one of an act entitled an act to fix the time of holding the circuit court in the eighth judicial circuit.

And has passed House bills, to be entitled as follows :

To require all parties holding claims against the county of DeKalb to have them registered within twelve months from the passage of this act ;

To establish election precincts in the county of Jefferson, at Irondale and Ironton ;

To empower the mayor and the council of the city of Opelika to establish and maintain a system of public schools within said city, and for other purposes.

ROBERT BARBER,
Clerk of the House.

With leave, Mr. Hamilton, from the committee on the judiciary, reported substitute for Senate bill—

To alter and amend section one of an act to prescribe the mode of taking private property for railroads, or other purposes, or for public use ;

The report was concurred in, and substitute adopted.

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Walton, from the committee on finance and taxation, reported favorably to House bill—

To authorize the State Treasurer to pay a warrant in favor of W. W. Allen, late Adjutant General of the State of Alabama, for the amount of twelve hundred dollars, out of any money not otherwise appropriated ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Ayes 18, noes 3.

Ayes—Messrs. Black, Coleman, Curtis, Dereen, Doster, Driesbach, Edwards, Hamilton, Harris, Little, Martin, Murphy, Parks, Pennington, Snodgrass, Terrell, Walton and Wilson—18.

Noes—Messrs. Carmichael, Hewitt and Royal—3.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 1, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bill to be entitled as follows:

To pay for the advertisement of lands sold by the tax collector of Pike county and purchased by the State.

ROBERT BARBER,
Clerk of the House.

Mr. Walton, from the committee on finance and taxation, reported favorably to House bill—

To refund to the children of Aaron Going, deceased, money of his estate that escheated to the State of Alabama ;

The report was concurred in ;

Ayes 20, noes 7.

Ayes—Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Edwards, Glass, Good-

loe, Leftwich, Little, Murphy, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—20.

Noes— Messrs. Carmichael, Cobb, Driesbach, Hamilton, Hewitt, Martin and Parks—7.

Bill was then read a third time, under suspension of the constitutional rule ;

The question being on the passage of the bill, there, were ayes 20 and noes 7.

Those who voted in the affirmative are :

Messrs. Black, Coleman, Cooper, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Leftwich, Little, Miller, Murphy, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—20.

Those who voted in the negative are :

Messrs. Carmichael, Cobb, Driesbach, Edwards, Hewitt, Martin and Parks—7.

The chair decided that the bill had passed.

From that decision Mr. Martin appealed, contending that it required the affirmative vote of twenty-two Senators to pass the bill ;

And the question being,

"Shall the decision of the chair be sustained ?"

The chair was sustained ;

Ayes 19, noes 8.

Ayes—Messrs. Black, Carmichael, Cobb, Curtis, Dereen, Doster, Duskin, Glass, Goodloe, Hewitt, Leftwich, Miller, Murphy, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—19.

Noes—Messrs. Coleman, Cooper, Cunningham, Edwards, Hamilton, Little, Martin and Parks—8.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed—

A bill to encourage the construction and operation of telegraph lines in the State of Alabama ;

A bill to authorize O. B. Cook and A. S. Cook, as administrators of the estate of W. R. Cook, deceased, to sell all the lands of the estate at private sale and without an order of court ;

A bill to appropriate six hundred dollars for the purpose of distributing the acts of the present session of the General Assembly, and the journals of the Senate and House of Representatives ;

A bill to authorize the Governor of Alabama to dispose of, by sale or lease, the old canal known as the Muscle Shoals Canal, and all the lands, timber, rock and iron belonging and appertaining thereto, and all the rights and privileges vested in the State of Alabama thereto ;

A bill to authorize Thomas Masterson, administrator

de bonis non of the estate of Peter Loony, deceased, late of Lawrence county, to sell the lands that belong to said estate.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 1, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows ;

To prohibit the sale of spirituous, vinous or malt liquors within three miles of Mount Tabor church, Blount county ;

To repeal an act prohibiting the sale of spirituous liquors in the town of Houston, in the county of Winston, approved January 27, 1872 ;

To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools in township 7, range 9, in said county ;

To legalize the actions of the municipal board of the city of Opelika.

And joint resolution—

To provide for the payment of the sergeant-at-arms for services rendered, and for the payment of the witnesses summoned before committees authorized to send for persons and papers.

ROBERT BARBER,
Clerk of the House.

Mr. Murphy moved that further reports from the committee on finance and taxation be suspended, so as to allow the committee on internal improvements to report a House bill.

A majority of the Senators present voting in favor of the motion, the chair decided that the motion was carried the effect of the motion being only to change the order in which the committees should report House bills, reports upon House bills being the regular order.

Mr. Hewitt appealed from that decision, contending that the effect of the motion was to suspend the regular order, and that under the previous decisions of the Senate

it required, an affirmative vote of four-fifths of the Senators present to carry the motion.

And the question being,

"Shall the decision of the chair be sustained ?"

The chair was sustained;

Ayes 21, noes 1.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Goodloe, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Royal, Snodgrass, Terrell, Walton and Witson—21.

Noes—Mr. Hewitt—1.

Mr. Pennington, from the committee on internal improvements, to which was referred House bill—

To amend section one of an act entitled An act to amend sections one and eleven, of an act entitled an act to incorporate the Opelika and Talladega Railroad company, approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, and further amended by act approved February 20, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, approved December 7, 1866, submitted the following report :

SENATE CHAMBER,
April 1, 1873.

Mr. President :

The internal improvement committee, to whom was referred a bill proposing amendments to the charter of the Savannah and Memphis Railroad company, have had the same under consideration, and I ask leave of the Senate to report the same back, with the following statement :

Alter hearing various discussions in favor of the two proposed routes, the one by Childersburg, and the other by Talladega, by gentlemen representing the respective claims of each, a vote was taken on a motion that a favorable report be made this morning, when there were two for a favorable report and two adverse. One member of the committee, present, declined to vote, desiring further information, and one member of the committee being absent.

One of the Senators voting adverse was understood as opposing the whole bill, while the other Senator voting

adverse favors the passage of the bill, with the words, " by the city of Talladega, in the county of Talladega, in this State," stricken out.

The committee were unanimous in favor of the incorporation of the Senate amendments referred with the bill, as a part of the bill, and recommend the adoption of the said amendments, provided the bill is to pass.

All of which is respectfully submitted.

J. L. PENNINGTON,
Chairman.

Mr. Cobb moved to postpone the further consideration of report and bill until 12 o'clock to-morrow, and make it the special order for that hour.

Mr. Terrell moved to adjourn until 10:15 o'clock to-morrow ;

Mr. Snodgrass moved to take a recess until 8 o'clock p. m. ;

The question being first taken on the motion to adjourn until 10:15 o'clock to-morrow,

It was lost ;

The question was then taken on the motion to take a recess until 8 o'clock p. m.,

And it was lost.

Mr. Carmichael, from the committee on enrolled bills, reported the following bills as correctly enrolled :

Joint resolution to pay Williamson and Johns for work done in the Senate chamber ;

An act to limit the effect of an act entitled An act to amend section one of an act entitled an act to fix the time of holding the circuit court in the eighth judicial circuit.

On motion of Mr. Hewitt,

Senate adjourned until 10:15 o'clock to-morrow.

WEDNESDAY, April 2, 1873.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin,

Edwards, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Murphy, Parks, Royal, Snodgrass, Terrell and Walton—28.

Journal of yesterday was read and approved.

ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills, reported the following as correctly enrolled :

An act to amend an act to incorporate the Mobile Magnolia association ; and to amend an act entitled An act to authorize the construction of a plank or shell road along the bay of Mobile, approved February 10, 1854, and the amendments thereto, approved January 6, 1856, and January 20, 1864 ;

An act to enable the administrator with the will annexed of James D. Randolph to sell at private sale enough of the real estate of said testator to pay the debts of said estate ;

An act to authorize the chancellor of the western chancery division, fourth district, at a court to be held for Sumter county, to ratify and confirm the sale made by J. J. Little to C. M, A Rogers, of his interest in certain partnership lands, &c., &c.;

An act to repeal an act entitled An act to regulate the appointment of receivers in chancery ;

An act for the relief of Samuel Edmondson, county treasurer of Etowah county ;

An act to regulate the practice in the circuit court of Baldwin county in certain cases ;

An act to pay for the advertisements of lands sold by the tax collector of Pike county, and purchased by the State ;

Mr. Hamilon called up House bill—

To prevent frauds in weighing and sampling cotton, and to regulate the same ;

The question being on Mr. Hamilton's amendment,

It was lost ;

Bill was then read a third time, under suspension of the constitutional rule, and passed.

With leave, Mr. Black, from select committee, reported favorably to House bill—

To amend section 1 of an act entitled An act to incorporate the town of Clayton, in the county of Barbour, approved march 15, 1873.

Mr. Martin moved to lay report and bill on the table ;

Which motion was lost ;

Ayes 12, noes 17.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Edwards, Hamilton, Hewitt, Little, Martin, Parks and Walton—12.

Noes—Messrs. Black, Curtis, Dereen; Doster, Duskin, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Royal, Snodgrass, Terrell and Wilson—17.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 2, 1873.

To the General Assembly of the State of Alabama :

GENTLEMEN—I have the honor to transmit herewith a communication from Hon. Joseph H. Speed, superintendent of public instruction, suggesting a law authorizing suits against defaulting school officers, to be instituted in the courts of Montgomery.

Revised Code, section 566, makes certain defaulting officers amenable to be proceeded against in the courts of this city, and with great propriety might be extended to defaulting officers of the Board of Education. The suits could then be attended to by the Attorney General, without increased expense to the State, and would be conducted at a point convenient to the records of this State furnishing the evidence in the case.

I recommend such enactments as will carry out the suggestions of the superintendent of education.

I have the honor to be,
Your obedient servant,
DAVID P. LEWIS,
Governor.

STATE OF ALABAMA, DEPARTMENT OF EDUCATION,
Montgomery, April 2, 1873.

To His Excellency, David P. Lewis,
Governor of Alabama :

DEAR SIR—I request that you recommend the Legislature to enact a law providing that suits may be brought against defaulting county superintendents of education, and other defaulting school officers, in any court of the county of Montgomery having jurisdiction, as is provided

for in section 566 of the Revised Code of this State, in regard to defaulting tax collectors, etc.

Respectfully, etc.,
JOSEPH H. SPEED,
Superintendent Public Instruction.

On motion of Mr. Cobb,

The message and accompanying communication were referred to the committee on the judiciary.

Mr. Carmichael moved to postpone the further consideration of the report, and bill until Monday next ;

On motion of Mr. Murphy,

The motion was laid on the table ;

Ayes 14, noes 13.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Goodloe, Haralson, Jones, Miller, Murphy, Pennington, Royal, Terrell and Wilson—14.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Driesbach, Hamilton, Harris, Hewitt, Little, Martin, Parks, Snodgrass and Walton—13.

The report was then concurred in, and bill ordered to a third reading on Saturday next, at 11 o'clock.

Mr. Dereen, from the committee on engrossed bills, reported the following as correctly engrossed :

A bill to alter and amend section 1 of An act to prescribe the mode of taking private property for railroads or other purposes, or for public use ;

A bill to regulate grand and petit juries in this State ;

House bill—

To amend section 1 of an act entitled An act to amend sections 1 and 11 of an act entitled an act to incorporate the Opelika and Talladega Railroad company, approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, and further amended by an act approved February 20, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, approved December 7, 1866,

Then came up.

Mr. Cobb moved to postpone the further consideration of report and bill until to-morrow at 11 o'clock, and make them the special order for that hour.

Mr. Terrell moved to lay the motion on the table ;

Which motion was lost.

Mr. Hewitt moved to amend the motion by striking out that part making report and bill special order.

On motion of Mr. Goodloe,

The amendment was laid on the table ;

Ayes 19, noes 3.

Ayes—Messrs. Carmichael, Cobb, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Harris, Little, Martin, Murphy, Parks, Royal, Snodgrass and Walton—19.

Noes—Messrs. Coleman, Hewitt and Terrell—3.

Mr. Terrell moved to make bill special order for Saturday next, at 12 o'clock ;

Which motion was lost ;

Mr. Cobb's motion was then carried.

JUDICIARY COMMITTEE.

With leave, Mr. Hamilton, from the committee on the judiciary, reported bill—

Imposing additional duties upon the State Treasurer and Auditor ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Wilson called up House joint resolution—

To provide for the payment of the sergeant-at-arms for services rendered, and for the payment of the witnesses summoned before committees authorized to send for persons and papers.

Joint resolution was read three times forthwith, under suspension of the constitutional rule, and passed.

With leave, Mr. Duskin, from the committee on the penitentiary, prisons and punishments, reported favorably to House bill—

To prevent the hiring out of convicts beyond the county in which they are convicted.

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Also, from same committee, favorably to House bill—

For the relief of A. M. Jones, of the Alabama conference.

The report was concurred in, and bill read third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Martin,

Senate bill—

To provide for an amendment to the Constitution of the State of Alabama,

Was taken up ;

Bill was read a second time, and referred to a joint committee of the two Houses, when raised.

PRIVILEGES AND ELECTIONS.

Mr. Doster, from the committee on privileges and elections, reported favorably to Senate bill—

To relieve regularly licensed dentists from jury duty ;

The report was concurred in.

On motion of Mr. Goodloe,

Bill was indefinitely postponed ;

Ayes 20, noes 5.

Ayes—Messrs. Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Harria, Little, Martin, Murphy, Parks, Pennington, Royal, Snodgrass, Terrell and Walton—20.

Noes— Messrs. Carmichael, Doster, Duskin, Hewitt and Leftwich—5.

Also, from the same committee, favorably, with amendments, to House bill—

For the relief of Frances E. Jost, wife of Frederick E. Jost, of the city of Montgomery ;

The report was concurred in ;

Ayes 13, noes 9.

Ayes—Messrs. Cooper, Curtis, Doster, Edwards, Haralson, Leftwich, Little, Martin, Miller, Murphy, Pennington, Snodgrass and Wilson—13.

Noes—Messrs. Carmichael, Cobb, Driesbach, Duskin, Hamilton, Hewitt, Parks, Terrell and Walton—9.

Mr. Little offered the following amendment to the amendment,

Which was adopted:

Amend by adding Mary G. Pharris, wife of J. W. Pharris, of Sumter, Babette Zimera, wife of Joseph Zimera, of Sumter county ;

The amendment, thus amended, was then adopted.

Mr. Cobb offered the following amendment :

Amend by inserting the words, " and all other married women residing in the State of Alabama ;"

Mr. Haralson moved to lay the amendment on the table ;

Which motion was lost ;

Ayes 12, noes 12.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Duskin, Edwards, Haralson, Little, Martin, Pennington, Terrell and Wilson—12.

Noes— Messrs. Carmichael, Cobb, Cooper, Cunning-

ham, Driesbach, Hamilton, Harris, Hewitt, Leftwich, Murphy, Parks and Walton—13.

MESSAGES FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 2, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 1st instant he approved and signed the following bill, originating in the Senate :

An act to limit the effect of an act entitled An act to amend section one of an act to fix the time of holding the circuit court in the eighth judicial circuit.

Also, the following :

Joint resolution to pay Williamson and Johns for work done in Senate chamber.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 3, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bills, originating in the Senate :

An act to enable the administrator with the will annexed of James D. Randolph to sell at private sale enough of the real estate of said testator to pay the debts of said estate ;

An act to authorize the chancellor of the western chancery division, 4th district, to ratify and confirm the sale of lands made by J. J. Little, to C. M. A. Rogers, and to order the administrators of J. J. Little to make title thereto ;

An act to regulate the practice in the circuit court of Baldwin county in certain cases ;

An act to pay for the advertisement of lands sold by

the tax collector of Pike county, and purchased, by the State ;

An act for the relief of Samuel Edmondson, county treasurer of Etowah county.

Respectfully,

C. J. ATKINSON,
Recording Secretary.

Mr. Parks moved to indefinitely postpone bill and, amendment.

Mr. Terrell moved to suspend the further consideration of bill, so as to introduce joint resolutions relative to adjournment ;

Which motion was lost ;

Ayes 11, noes 14.

Ayes—Messrs Carmichael, Cobb, Driesbach, Hamilton, Hewitt, Leftwich, Little, Martin, Parks, Terrell and Walton—1l.

Noes—Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Doster, Duskin, Edwards, Haralson, Miller, Murphy, Pennington, Royal and Wilson—14.

Pending consideration of which,

On motion of Mr. Martin,

Senate adjourned until 10:15 o'clock, to-morrow.

THURSDAY, April 3, 1873.

Senate met pursuant to adjournment.

ROLL CALL.

On a call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Royal, Snodgrass, Terrell, Walton and Wilson—27.

Journal of yesterday was read and approved.

General order was suspended.

The following bills were introduced :

By Mr. Edwards—

To authorize the commissioners court of Blount county, to levy a special tax to build a jail ;

By Mr. Hewitt—

In relation to the public schools of the city of Birmingham, Alabama ;

By Mr. Hamilton—

To require the publication of the acts of the board, of education with the acts of the General Assembly ;

By Mr. Miller—

For the relief of E. M. Hughston, of Butler county ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Haralson—

To amend section (2562) twenty-five hundred, and sixty-two of the Revised Code of Alabama;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary, with leave to report at any time.

By Mr. Edwards—

To secure certain privileges to the members of the Montgomery Greys ;

Which bill was read twice, under suspension of the constitutional rule.

Mr. Haralson moved to amend by making its provisions applicable to "all volunteer militia companies in the State."

On motion of Mr. Curtis,

Bill and amendments were laid on the table.

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Parks, from the committee on municipal and county organizations, reported favorably to Senate bill—

To amend section one of An act to incorporate the town of Georgiana, in Butler county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

HOUSE BILL,

On motion of Mr. Walton,

House bill—

To fix the time of holding the chancery court in the second district of the western chancery division of Alabama, composed of the county of Choctaw ;

Was taken up ;

Bill was read twice, under suspension of the constitu-

tional rule, and referred to a select committee, consisting of Messrs. Walton, Dereen and Little.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up, it being House bill—

To amend section 1 of an act entitled An act to amend sections 1 and 11 of an act entitled an act to incorporate the Opelika and Talladega Railroad company, approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, and further amended by an act, approved February 20, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, approved December 7, 1866.

Mr. Hewitt, in the chair, decided that the question was upon concurring in the report of the committee.

Mr. Cooper appealed from that decision ;

And the question being,

" Shall the decision of the chair he sustained ?"

The chair was sustained ;

Ayes 13, noes 9.

Ayes—Messrs. Carmichael, Cobb, Dereen, Doster, Duskin, Edwards, Harris, Leftwich, Little, Martin, Miller, Terrell and Wilson—13.

Noes—Messrs. Cooper, Cunningham, Curtis, Goodloe, Hamilton, Haralson, Royal, Snodgrass and Walton—9.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill imposing additional duties upon the State Treasurer and Auditor.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 2, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILLS,

To be entitled as follows :

To require the county treasurer of Perry, county to make semi-annual statements of all monies received and

expended, by him for and on account of said. county, to the court of county commissioners, and for recording and posting the same ;

To alter and amend section 1 of An act to prescribe the mode of taking private property for railroads or other purposes, or for public use, approved March 1, 1871 ;

To encourage the construction and operation of telegraph lines in the State of Alabama ;

To authorize B. H Warren; of Choctaw county, to redeem certain lands sold for taxes and purchased by the State ;

To authorize G. H. McKee, of the county of Choctaw, to redeem certain lands sold for taxes and purchased by the State ;

To authorize and empower Katharine McCardle, of Muscogee county, in the State of Georgia, to administer upon the estate of Felix McCardle, late of Russell county, Alabama ;

To amend section 2 of An act to incorporate a medical college of the State of Alabama, at Montgomery;

And has passed the following

HOUSE BILLS,

In which the concurrence of the Senate is requested :

For the relief of the estate of William Rouse, late of Mobile county, deceased ;

To establish a new election precinct in the county of Mobile ;

To amend section 2596 of the Revised Code of Alabama ;

And ordered the same forthwith to the Senate, without engrossment.

And joint resolution—

Authorizing and directing State Auditor to draw his warrant in favor of F. M. Shouse, late sheriff, &c., for seventy-five dollars.

ROBERT BARBER,
Clerk of the House.

Mr. Terrell moved to re-commit the bill to the committee on internal improvements.

Mr. Hewitt moved to amend the motion by instructing the committee to report on Saturday, at 11 o’clock, and make it special order for that hour.

On motion of Mr. Duskin,

The motion and amendment were laid on the table ;

Ayes 21, noes 6.

Ayes—Messrs. Carmichael, Cobb, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Martin, Murphy, Royal, Snodgrass, Walton and Wilson—21.

Noes—Messrs. Black, Dereen, Hewitt, Little, Parks and Terrell—6.

Mr. Terrell moved to adjourn until 10:15 o'clock tomorrow.

Mr. Leftwich moved to take a recess until 8 o'clock p.m.;

The question was first taken on Mr. Terrell's motion,

And it was lost ;

The question then being taken on Mr. Leftwich's motion,

It was lost ;

The report of the committee was then concurred in ;

The amendments were then adopted.

Mr. Terrell offered the following amendment :

Be it further enacted, That nothing herein shall prohibit the said railroad company from constructing their said road upon the line as originally granted by the State ;

On motion of Mr. Cobb,

The amendment was laid on the table ;

Ayes .17, noes 3.

Ayes—Messrs. Cobb, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Leftwich, Miller, Royal, Snodgrass, Walton and Wilson—17.

Noes—Messrs. Hewitt, Little and Terrell—3.

Mr. Terrell moved to indefinitely postpone the bill ;

On motion of Mr. Haralson,

The motion was laid on the table ;

Ayes 19, noes 3.

Ayes—Messrs. Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edawards, Goodloe, Hamilton, Haralson, Leftwich, Martin, Miller, Royal, Walton and Wilson—19.

Noes—Messrs. Hewitt, Little and Terrell—3.

Mr. Terrell moved to adjourn until 10:15 o'clock tomorrow ;

Which motion was lost.

Mr. Terrell offered the following amendment :

Provided, That the said town of Talladega, of the citizens thereof, subscribe to the capital stock in said railroad company the sum of two hundred thousand

dollars, and pay the same over to said railroad company, or otherwise secure the payment thereof.

On motion of Mr. Cunningham,

The amendment was laid on the table ;

Ayes 14, noes 5.

Ayes—Messrs. Black, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Leftwich, Martin, Royal and Wilson—14.

Noes—Messrs. Carmichael, Dereen, Hewitt, Parks, and Terrell—5.

Mr. Terrell offered the following amendment :

Provided, The said town of Talladega, or the citizens thereof, subscribe to the capital stock in said railroad company the sum of two hundred thousand dollars, in bonds of said city.

Mr. Cobb moved to amend the amendment by striking out " two hundred thousand dollars," and inserting "one hundred thousand dollars ;"

On motion of Mr. Duskin,

The amendment and the amendment to the amendment were laid on the table.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 3, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bill, to be entitled as follows:

To regulate the publication of legal notices and advertisements.

ROBERT BARBER,
Clerk of the House.

Mr. Terrell moved to adjourn until 10:15 o'clock to-morrow ;

Which motion was lost ;

Bill was ordered to a third reading on to-morrow, at 11o'clock, and made the special order for that hour ;

Ayes 19, noes 3.

Ayes—Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Driesbach, Duskin, Edwards, Goodloe, Hamilton,

Haralson, Jones, Leftwich, Little, Martin, Parks, Royal, Walton and Wilson—19.

Noes—Messrs. Dereen, Hewitt, and. Terrell—3.

Mr. Miller introduced joint resolution—

To provide for the payment of a clerk for the joint financial committee ;

Which, joint resolution was read three times, under suspension of the constitutional rule, and passed.

Leave of absence for one week was granted Mr. Coleman.

Leave of absence until Monday next was granted Mr. Little.

On motion of Mr. Leftwich,

Senate adjourned until 10:15 o'clock to-morrow ;

Ayes 12. noes 11.

Ayes—Messrs. Cobb, Cunningham, Driesbach, Edwards, Hamilton, Hewitt, Leftwich, Little, Parks, Royal and Terrell—11.

Noes—Messrs. Black, Cooper, Curtis, Dereen, Duskin, Goodloe, Haralson, Jones, Martin, Walton and Wilson —11.

The Senate being equally divided,

Mr. President voted in the affirmative.

FRIDAY, April 4, 1873.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Royal, Snodgrass, Terrell, Walton and Wilson—26.

Journal of yesterday was read and approved.

General order was suspended.

The following bills were introduced :

By Mr. Cobb—

To amend section one of an act entitled An act to incorporate the city of Birmingham, in Jefferson county, approved December 19, 1871 ;

Which bill was read twice, under suspension of the

constitutional rule, and referred to a select committee, consisting of Messrs. Cobb, Cooper and Edwards, with leave to report at any time.

By Mr. Cooper—

To incorporate the town of Cuba, in the county of Sumter ;

Which bill was read three times, under suspension of the constitutional rule, and passed.

By Mr. Martin—

To amend an act to encourage the investment of money within the State by life insurance companies of other or foreign States ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on federal relations.

SPECIAL COMMITTEE.

Mr. Hamilton, from select committee, reported substitute for Senate bill—

More effectually to secure the State of Alabama against loss in consequence of its endorsements of railroad bonds;

Substitute to be entitled,

Bill for the protection of the State and her citizens in their rights and interests in the railroads of the State ;

The report was concurred in.

Mr. Cobb moved to amend by striking out "two" and inserting "one" before the word "commissioner," and that the bill be made to conform to the amendment ;

Mr. Parks moved to amend the amendment by striking out the words " three thousand dollars " and inserting " four thousand dollars," so that the salary of the commissioner shall be four thousand dollars ;

Mr. Wilson moved to lay the amendments on the table ;

Which motion was lost ;

Mr. Hewitt moved to lay the amendment to the amendment on the table ;

Which motion was lost ;

The amendment to the amendments was then adopted ;

The amendment, as amended, was then adopted.

Mr. Carmichael offered the following amendment,

Which was adopted :

That the commissioner appointed under this act shall be a professional civil engineer, not connected with any railroad ;

Substitute, as amended, was adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

FINANCE AND TAXATION.

Mr. Walton, from the committee on finance and taxation, reported favorably to House bill—

For the relief of the estate of Andrew Young, deceased, in Marengo county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up, it being House bill—

To amend section one of an act entitled An act to amend sections one and eleven of an act to incorporate the Opelika and Talladega Railroad company, approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, and further amended by an act approved February 20, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, approved December 7, 1866.

Bill was read a third time.

Mr. Terrell moved to commit the bill to the committee on the judiciary ;

On motion of Mr. Cooper,

The motion was laid on the table ;

Ayes 24, noes 2.

Ayes—Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Martin, Miller, Murphy, Parks, Snodgrass, Walton and Wilson—24.

Noes—Messrs. Hewitt and Terrell—2.

Bill was then passed ;

Ayes 22, noes 4.

Ayes—Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Doster, Driesbach, Duskin, Edwards, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Martin, Miller, Parks, Snodgrass, Walton and Wilson—22.

Noes—Messrs. Cobb, Dereen, Hewitt and Terrell—4.

With leave, Mr. Cobb offered, the following resolution,

Which was adopted :

WHEREAS, The Hon. Mr. Cresswell, Postmaster General, and Hon. Messrs. Cameron, Howe and Carpenter, of the United States Senate, have arrived in the city ; therefore, be it—

Resolved, That these distinguished gentlemen be and they are hereby invited to seats upon the floor of the Senate at their pleasure during their stay in this city, and that a committee of three be appointed to wait upon these gentlemen, and inform them of the adoption of this resolution ;

Thereupon,

The chair appointed Messrs. Hamilton, Doster and Goodloe, as said committee.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 4, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

A bill to be entitled An act to amend the first, second and third sections of an act to incorporate the Alabama Petroleum and Lamp company.

ROBERT BARBER,
Clerk of the House.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act to authorize G. H. McKee, of the county of Choctaw, to redeem certain lands sold for taxes and purchased by the State ;

An act to alter and amend section one of An act to prescribe the mode of taking private property for railroads, or other purposes, or for public use, approved March 1st, 1871 ;

An act to regulate the publication of legal notices and advertisements ;

An act to encourage the construction and operation of telegraph lines in the State of Alabama ;

An act to authorize B. H. Warren, of Choctaw county, certain lands sold for taxes and purchased by the State ;

An act to authorize Katharine McCardle, of Muscogee county, in the State of Georgia, to administer upon the estate of Felix McCardle, late of Russell county, Alabama ;

An act to amend section two of An act to incorporate a medical college of the State of Alabama, at Montgomery ;

An act to require the county treasurer of Perry county to make semi-annual statements of all monies received. and expended by him, for, and on account of, said county, to the court of county commissioners, and for recording and posting the same.

Mr. Hamilton introduced joint resolution—

To pay Charles Sters for work done in Senate chamber ;

Which joint resolution was read three times, under suspension of the constitutional rule, and passed.

JUDICIARY COMMITTEE.

Mr. Hamilton, from the committee on the judiciary, to which was referred the message of the Governor, and communication of the Superintendent of Public Instruction, relative to defaulting county superintendents and other school officers, reported bill—

To add another section to article five, chapter three, title two, part three, of the Revised Code, to be designated as section 3060a ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To amend and increase the capital of the Manchester Mining and Manufacturing company, of Alabama ;

To confer upon the several chancery courts of this State power to declare married women free dealers ;

Were severally read a third time, and passed.

On motion of Mr. Cobb,

House bill—

To amend the first, second and third sections of an act to incorporate the Alabama Petroleum Lamp company,

Was taken up ;

Bill was read twice, under suspension of the constitutional rule.

Mr. Cobb offered the following amendment,

Which was adopted :

Amend by adding,

And provided further, That said company shall have power to construct only such railroads and tramways as may be useful and convenient for the transportation of the products of their mines, and of their manufactures, and of their agents, servants and employees, and of the merchandize and supplies needful and convenient for the supply and support thereof ; nor shall anything in this act contained be construed so as to confer on said company the power to condemn lands for the purpose of constructing such railroads or tramways, or for any other purpose of said company, or for constructing rail roads in the State of Alabama, elsewhere than in the localities of their said manufactories and mining operations, and for the purpose of transit and transportation to and from the same ;

Bill thus amended, was read a third time, under suspension of the constitutional rate, and passed.

House bill—

To legalize the actions of the municipal board of the city of Opelika,

Was read twice, under suspension of the constitutional rule, and laid on the table.

House bill—

To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools in township seven, range nine, west, in said county,

Was read twice, under suspension of the constitutional rule, and referred to the committee on education.

On motion of Mr. Haralson,

Senate bill—

To protect the citizens of the United States within the State of Alabama, in their civil rights,

Was taken up ;

The question being upon its passage, bill was passed.

Ayes 18, noes 9.

Ayes—Messrs. Black, Cobb, Cunningham, Curtis, Dereen, Doster, Duskin, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Miller, Murphy, Royal, Walton and Wilson—18.

Noes— Messrs. Carmichael, Cooper, Driesbach, Edwards, Hewitt, Martin, Parks, Snodgrass and Terrell—9.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed, bills, reported as correctly engrossed :

A bill to authorize the commissioners court of Blount county to levy a special tax to build a jail ;

A bill to require the publication of the acts of the board of education with the acts of the General Assembly ;

A bill to amend, section one of an act entitled An act to incorporate the town of Georgianna, in Butler county ;

A bill in relation to the public schools of the city of Birmingham ;

Also, a joint resolution—

To provide for the payment of a clerk for the joint financial committee.

Mr. Walton moved to take up Senate bill—

For the removal of the seat of government from Montgomery, and for other purposes appertaining thereto ;

The question being put, there were

Ayes 13, noes 12.

Ayes—Messrs. Cobb, Curtis, Driesbach, Duskin, Goodloe, Hamilton, Haralson, .Jones, Leftwich, Martin, Miller, Murphy and Walton—13.

Noes— Messrs. Black, Carmichael, Dereen, Doster, Edwards, Harris, Hewitt, Parks, Royal, Snodgrass, Terrell and Wilson—12.

A majority voting in favor of the motion, the chair decided, that it was carried, it being after 12 o'clock, and there being no particular bill under consideration at the time.

From that decision, Mr. Parks appealed, contending that it being Friday, a day set apart by the rules of the Senate for the consideration of House bills until disposed. of, and House bills then being undisposed of, it required an affirmative vote of four-fifths of the Senators present to suspend that order,

And the question being,

"Shall the decision of the chair be sustained ?"

The chair was not sustained ;

Ayes 11, noes 13.

Ayes—Messrs. Curtis, Duskin, Goodloe, Hamilton, Haralson, Jones, Leftwich, Martin, Miller, Snodgrass, and Walton—11.

Noes— Messrs. Black, Carmichael, Cobb, Dereen, Dos-

ter, Edwards, Harris, Hewitt, Murphy, Parks, Royal, Terrell and Wilson—13.

Mr. Hewitt moved to adjourn until 8 o'clock p. m.

Mr. Terrell moved to adjourn until 10:15 o'clock to-morrow ;

The question being taken on Mr. Terrell's motion,

It was carried.

SATURDAY, April 5, 1873.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Jones, Leftwich, Martin, Miller, Parks, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—25.

Journal of yesterday was read, corrected and approved.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 4, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 4th instant he approved and signed the following bills, which originated in the Senate :

An act to amend an act to incorporate the Mobile Magnolia association ; and to amend an act entitled An act to authorize the construction of a plank or shell road along the bay of Mobile, approved February 10, 1854, and the amendments thereto, approved January 6, 1856, and January 20, 1854 ;

An act to repeal an act entitled An act to regulate the appointment of receivers in chancery ;

An act to authorize G. H. McKee, of the county of Choctaw, to redeem certain lands sold for taxes and purchased by the State ;

An act to require the county treasurer of Perry county to make semi-annual statements of all monies received and expended by him for and on account of said county,

to the court of county commissioners, and for recording and posting the same ;

An act to authorize and empower Katharine McCardel, of Muscogee county, in the State of Georgia, to administer upon the estate of Felix McCardel, late of Russell county, Alabama ;

An act to alter and amend section one (1) of An act to prescribe the mode of taking private property for railroads or other purposes, or for public use, approved March 1,1871 ;

An act to encourage the construction and operation of telegraph lines in the State of Alabama ;

An act to authorize B. H. Warren, of Choctaw county, to redeem certain lands sold for taxes and purchased by the State ;

An act to amend section two (2) of An act to incorporate a medical college of the State of Alabama, at Montgomery ;

An act to regulate the publication of legal notices and advertisements ;

An act to refund to the children of Aaron Goins, deceased, money of his estate that escheated to the State of Alabama ;

An act to enlarge the jurisdiction of the county court of Autauga county.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

On motion of Mr. Hamilton,

Senate bill—

To provide for an amendment to article 4 of the Constitution of the State of Alabama,

Was withdrawn from joint committee ;

Bill was then ordered to a third reading on to-morrow.

With leave, Mr. Haralson presented petition from sundry citizens of Dallas county, relative to extending the jurisdiction of justices of the peace in criminal cases, so as to cover all petty offences ;

Which was referred to the committee on the judiciary.

On motion of Mr. Carmichael,

General order was suspended for the purpose of receiving reports from standing committees.

Mr. Walton, from the committee on finance and taxation, reported favorably to Senate bill—

To secure justices of the peace and notaries public in their fees in certain cases ;

Bill was referred to the committee on the judiciary.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up, it being House bill—

To amend section 1 of an act entitled An act to incorporate the town of Clayton, in the county of Barbour, approved March 15, 1873 ;

Bill was read a third time ;

On motion of Mr. Parks,

Bill was referred to the committee on the judiciary, with instructions to report on Monday next, at one o'clock, and made the special order for that hour.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 5, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested, Senate bill to be entitled as follows :

To repeal an act entitled An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31st, 1868, so far as the same relates to certain portions of said county therein named ;

To provide for the payment of the board of regents of the State University.

And has concurred in Senate amendment to House bill—

To amend section 1 of an act entitled An act to amend sections 1 and 11 of an act entitled an act to incorporate the Opelika and Talladega Railroad company, approved December 9th, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, and further amended by an act approved February 20, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, approved December 7, 1866.

And has passed, without amendment, Senate bills—

To regulate the organization of grand jurors, in Bullock county ;

To enlarge the powers and duties of the criminal court of Bullock county ;

For the relief of Augustus C. Pearce, Margaret Pearce, Eleanor Pearce and Joseph Pearce, of the county of Marengo, Alabama ;

To prevent the giving away, selling, or delivering of any vinous, fermented or spirituous liquors to persons who are or who are reputed to be of unsound mind ;

To compel tax collectors to pay over county taxes monthly ;

To punish parties carrying concealed about their persons brass knuckles, slung shot, or weapons of like kind or description ;

To amend section 429 of the Revised Code of Alabama ;

To authorize collection of debts for labor and services rendered for the benefit of trust estates ;

For the protection of sheep ;

To amend section 1833 of the Revised Code ;

To distribute certain copies of Brickell's Digest.

And has passed, without amendment, Senate joint resolutions—

To provide for the payment of a clerk for the joint financial committee ;

In regard to appointing commissioners to confer with commissioners appointed under the authority of the legislature of the State of Mississippi.

And has passed following House bills—

To authorize Martin G. Slaughter to sell the lands belonging to the estate of Joseh McConathy, deceased, at private sale ;

To authorize and empower John W. Leslie, probate judge of Monroe county, to exercise jurisdiction over the estate of F. H. Liddell, deceased, notwithstanding his relationship to the deceased ;

To regulate the trial of criminal cases in the circuit court of Dallas county ;

To authorize and empower the commissioners court of Monroe county to allow the State witnesses in the case of The State vs. George P. Hammond and Anthony Bryant, their fees as such witnesses ;

To amend section 1 of an act entitled An act to regulate the enclosure of stock in a portion of the county of Greene, therein described, approved February 14th, 1872 ;

For the relief of the estate of Wm. J. Gilmore, deceased, late superintendent of education of Choctaw county, and the sureties on his official bond ;

To amend, section 1 of an act to provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa, approved December 11,1871 ;

To amend sections 3697, 3698, 3699 and 3700 of the Revised Code of Alabama ;

To regulate the exercise of equity jurisdiction by the circuit court of Blount county ;

To authorize and empower Adel Wilson, a minor, to sell and make title to certain lands therein described ;

To regulate the publication of legal notices in Crenshaw county ;

For the relief of N. S. Davenport, D. H. Spring, et al :

To confer equity jurisdiction upon the circuit court of the third judicial circuit of the State of Alabama ;

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, or other intoxicating beverages within three miles of Pleasant Hill church, (Methodist,) in Jefferson county ; and within one and one-half miles of the academy of Wesobulga, in Clay county ;

To regulate the fees of notaries public and justices of the peace for the counties of Talladega, Perry, Washington, Marengo, Greene, Elmore, Pike and Hale, and to provide for the payment of the same in certain cases ;

Supplemental to an act, approved March 5, 1873, entitled An act to provide for the support of the Freedman's hospital, located near the city of Talladega ;

To define the rights of the father to the custody of his child or children, when he is abandoned by the mother, to whom he is legally married ;

In relation to chancery district for Walker county ;

To authorize and empower John H. Blackledge, administrator of the estate of Salem W. Blackledge, deceased, to sell certain lands therein described, at private sale ;

To amend section 3733 of the Revised Code ;

To authorize Sarah J. Davidson, administratrix of the estate of James M. Davidson, sr., deceased, late of Monroe county, and Rachel M. Johnson, administratrix of A. W. Jones, deceased, late of Montgomery county, to sell the lands of said estate at private sale ;

To legalize, ratify and confirm certain acts, orders and proceedings of the clerk of the circuit court of Blount county ;

To make certain persona therein named free dealers ;

To authorize the administrators of the several estates of Thomas Goodwin and John Gooden, deceased, to

settle the partnership transactions in lands of their estates, and to sell said lands at private sale :

To amend section 2376 of the Revised Code ;

To relieve from the disabilities of non-age, the persons therein named ;

To amend section 707 of the Revised Code of Alabama ;

To declare Burnt Corn creek, Murder creek, Escambia creek, Sepulga river, and Conecuh river, in the counties of Conecuh and Escambia, public highways for all the purposes of floating timber, lumber and logs upon their waters ;

To require common carriers to furnish the consignee with the name of the consignor for whom they may transport produce or other goods ;

To define and punish the crime of burglary in railroad cars ;

To legalize the special tax levied by the county commissioners of Clarke county, on the third Monday of August 1872 ;

To amend section 4067 of the Revised Code of Alabama ;

To pay the debt of Sumter county, according to registration ;

To create the office of receiver of deeds and mortgages in the county of Montgomery.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
April 5, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, be entitled—

An act to relieve Susan P. Griffin and Letitia H. Griffin, of Lee county, from the disabilities of non-age.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Pennington,

House bill—

To relieve Susan P. Griffin and Letitia H. Griffin, of Lee county, from the disabilities of non-age,

Was taken up.

Bill was read twice, under suspension of the constitutional rule ;

Mr. Parks moved to refer bill to committee on privileges and elections ;

Which motion was lost ;

Ayes 7, noes 16.

Ayes—Messrs. Cooper, Goodloe, Hamilton, Harris, Parks, Royal and Walton—7.

Noes—Messrs. Black, Carmichael, Curtis, Dereen, Edwards, Glass, Haralson, Jones, Leftwich, Martin, Miller, Murphy, Pennington, Snodgrass, Terrell and Wilson—16.

Bill was then ordered to a third reading on to-morrow.

On motion of Mr Jones,

Senate bill—

To repeal an act entitled An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31st, 1868, so far as the same relates to certain portions of said county therein named,

Was taken up.

The question was upon concurrence in the House amendment to bill ;

Mr. Cooper moved to refer bill to committee on local legislation ;

On motion of Mr. Haralson,

The motion was laid on the table ;

Ayes 15, noes 6.

Ayes—Messrs Black, Curtis, Dereen, Glass, Goodloe, Haralson, Harris, Jones, Leftwich, Martin, Murphy, Pennington, Royal, Snodgrass and Wilson—15.

Noes—Messrs. Carmichael, Cooper, Hamilton, Parks, Terrell and Walton—6.

Mr. Terrell moved to adjourn until Monday, at twelve o’clock ;

Which motion was lost ;

Ayes 7, noes 13.

Ayes—Messrs. Cooper, Cunningham, Hamilton, Parks Royal, Snodgrass and Terrell—7.

Noes—Messrs. Black, Carmichael, Curtis, Glass, Haralson, Harris, Jones, Leftwich, Martin, Murphy, Pennington, Walton and Wilson—13.

Mr. Terrell moved to suspend the consideration of bill for the purpose of allowing the committee on finance and taxation to report a bill ;

Which motion was lost.

Mr. Terrell moved to adjourn until Monday, at twelve o' clock ;

Which motion was lost ;

Ayes 3, noes 13.

Ayes—Messrs. Glass, Parks and Terrell—3.

Noes—Messrs. Black, Carmichael, Curtis, Edwards, Haralson, Jones, Leftwich, Martin, Murphy, Pennington, Royal, Walton and Wilson—13.

The question recurring on concurrence in the House amendment to bill,

The amendment was concurred in ;

Ayes 16, noes 2.

Ayes—Messrs. Black, Carmichael, Cunningham, Curtis, Edwards, Glass, Goodloe, Haralson, Jones, Leftwich, Martin, Murphy, Pennington, Royal, Walton and Wilson—16.

Noes—Messrs. Parks and Terrell—2.

Mr. Walton, from select committee, reported favorably to House bill—

To fix the time of holding the chancery court in the second district of the western chancery division of Alabama, composed of the county of Choctaw;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Walton, from the committee on finance and taxation, reported favorably, with amendment, to House bill—

To provide each county with field notes ;

The report was concurred in, and the amendments adopted;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from same committee, favorably to House bill—

For the relief of George W. Williams, tax collector for Barbour county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Pennington called up House bill—

To empower the mayor and council of the city of Opelika to establish and maintain a system of public schools within said city, and for other purposes ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Terrell called up House bill—

To repeal an act entitled An act to remove the administration of the estate of Oliver P. Bessinger, deceased, late of Coosa county, from the court of probate of Coosa county to the probate court of Pike county, approved February 14, 3872 ;

Bill was read a third time, under suspension of the constitutional rule, and passed.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to incorporate the town of Cuba, in the county of Sumter ;

A bill to add another section t o article 5, chapter 3, title 2, part 3, of the Revised Code, to be designated as section 3060 a.

Also, a joint resolution—

To pay Charles Sters for work done in Senate chamber.

Leave of absence was granted Mr. Duskin for three days.

Leave of absence was granted Mr. Hewitt one day.

Leave of absence was granted Mr. Walton for four days.

On motion of Mr. Haralson,

Senate adjourned until Monday, 12 o'clock.

MONDAY, April 7, 1873.

Senate met pursuant to adjournment.

In the absence of the Lieutenant Governor,

On motion of Mr. Coooper,

Mr. Martin was called to the chair.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Goodloe, Hamilton, Harris, Leftwich, Martin, Miller, Murphy, Parks, Pennington, Snodgrass, Terrell and Wilson—20.

Journal of yesterday was read and approved.

Leave of absence was granted Mr. Doster for four days.

Leave of absence was granted. Mr. Pennington until Thursday next.

HOUSE BILLS.

Mr. Edwards called up House bills—

To regulate the exercise of equity jurisdiction by the circuit court of Blount county ;

To legalize, ratify and confirm certain acts, orders and proceedings of the clerk of the circuit court of Blount county ;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

ENGROSSED BILLS.

Mr. Dereen, from committee on engrossed bills, reported as correctly engrossed—

A bill to amend the charter and constitution of the Montgomery Mutual Building and Loan association ;

A bill to amend the charter of the Alabama and Georgia Railroad company, and invest it with authority to elect its officers and directors whenever the amount of the subscription to its capital stock shall be sufficient to complete the grading of the said road from the western terminus of the Memphis Branch Railroad, of Georgia, to or near Cornwall Iron works in Alabama, and to validate its action ;

A bill to require the. clerk of the circuit court of Dale county to set the causes upon the State docket of his court for trial on particular days ;

A bill to amend section 1386 of the Revised Code of Alabama ;

A bill to prohibit judges of the probate courts of this State from appointing any clerk, employee, or any person connected with the office of the judge of probate, as guardian ad litem in any case ;

A bill to remove the voting precinct in beat three of Choctaw County, now held at John Baskin's, to Phillips' store ;

A bill to repeal an act entitled An act to provide for the improvements of the river, harbor and bay of Mobile, approved February 19, 1867 ;

A bill regulating judgment entries in trials by jury ;

A bill to authorize and empower Katharine McCardle, of Muscogee county, in the State of Georgia, to administer upon the estate of Felix McCardle, late of Russell county, Alabama ;

A bill for the relief of John A. Perkins, of Tuskaloosa county ;

A bill to authorize the Governor to issue a patent to J. F. McDuff, of Tuskaloosa, county, for certain lands therein named ;

A bill for the protection of the State and her citizens in their rights and interests in the railroads of the State.

BILL INTRODUCED.

With leave, Mr. Miller introduced bill—

To protect the interests and secure the State against loss growing out of her endorsement of the bonds of railroad companies ;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Hamilton, Cooper and Cunningham.

Mr. Hamilton called up Senate bill—

To provide for an amendment to article 19 of the Constitution of the State of Alabama ;

Bill was read a third time, and passed.

With leave, Mr. Carmichael offered the following joint resolution :

Joint resolution, to adjourn on the 12th instant, sine die—

Resolved by the Senate (the House of Representatives concurring), That the General Assembly of Alabama do adjourn sine die, on Saturday, the 12th of April, 1873, at 12 o'clock m.;

Mr. Dereen moved to amend by striking out "Saturday, 12th," and inserting " Monday, 14th ;"

Which was adopted ;

Joint resolution thus amended, was then adopted.

Mr. Miller, from the joint committee to investigate the finances of the State, submitted a report ;

Which, without being read, was ordered to lie on the table, and that one hundred and fifty copies be printed for the use of the General Assembly.

MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency, the Governor, by his secretary :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 7, 1873.

To the General Assembly of the State of Alabama :

GENTLEMEN : It becomes my painful duty to announce to you the death of the Hon. Andrew B. Moore, of Perry county, of this State.

This distinguished citizen has filled various high official positions in the State, legislative, judicial and executive, with high honor to himself and satisfaction to his friends.

Is it not proper that business should pause before such a melancholy dispensation of an all-wise Providence, and while reflecting on the mutability and nothingness of all human renown, pay a tribute to the memory of a distinguished citizen ?

I have the honor to be,
Your obedient servant,
DAVID P. LEWIS,
Governor.

Mr. Curtis offered the following resolution :

Resolved, That the Senate now adjourn until 10:15 o'clock a. m. to-morrow, as a token of respect to the virtues and memory of our eminent fellow-citizen and former Governor, Andrew B. Moore, who departed this life on Saturday last ;

Mr. Terrell moved to amend by adding :

That a committee of three be appointed to draft appropriate resolutions and report the same to the Senate, and that for that purpose the Senate now take a recess for thirty minutes ;

Which amendment was adopted ;

The resolution, thus amended, was adopted ;

Thereupon the chair appointed Messrs. Terrell, Curtis and Hamilton as said committee.

Senate then took a recess for thirty minutes.

Senate met at the appointed hour.

Mr. Terrell, from the committee to draft and report resolutions in respect to the memory of Hon. A. B. Moore, made the following report :

This Senate has learned by communication from his Excellency, the Governor, of the death of Hon. A. B.

Moore, at his residence, in Perry county, on the morning of the 5th instant. This Senate recognizes in the death of this citizen, the removal from this community of a man whom the people have justly honored with high position ; of a man who always brought to the performance of public office an earnest desire to do his whole duty to the State and people whom he served.

A. B. Moore has been a member of each branch of the General Assembly. He has been one of the judges of this State. He has been Governor of Alabama. At all times and in all places he devoted his energies, his time and his talents to the public good. Such a man should at all times be held in respect and reverence, and when he departs this life, the least that can be done, is for the State which he served, by its public organs of action, to express the sense of the people at their loss. The gain is to him, the loss is to us ; we can but ill afford to lose the counsels of any of our good and wise men.

Resolved by the Senate, That in the death of Governor A. B. Moore the State has lost the services of a good and wise citizen and counsellor, and his death is a matter of painful regret, and justly so, because of the eminent worth of this distinguished man, and no less distinguished than good.

Resolved, That the members of the Senate, as a mark of respect to the memory and virtues of the deceased, will wear, during the remainder of the session, a band of crape on the left arm.

Resolved, That a copy of these proceedings be sent to the family of the deceased, with an expression by The President and Secretary of our sympathy with them in the loss of the head of their family ; and that the Senate do now adjourn until to-morrow at 10.15 a. in., it bring proper that in the presence of the death of such a citizen it should suspend its ordinary business.

Resolved, That these proceedings, together with the message of his Excellency, be spread on the journal of the Senate.

On motion of Mr. Harris,

The resolutions were unanimously adopted by a rising vote.

The Senate adjourned to 10.15 a. m. to-morrow.

TUESDAY, April 8, 1873.

Senate met pursuant to adjournment.

ELECTION OF A PRESIDENT PRO TEMPORE.

The Senate proceeded to choose a President pro tempore.

Mr. Cooper put in nomination Mr. Martin ;

And thereupon Mr. Martin was unanimously chosen President pro tempore of the Senate, and took the chair.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Murphy, Parks, Snodgrass and Terrell—22.

Journal of yesterday was read and approved.

With leave, Mr. Dereen, from the committee on privileges and elections, reported adversely to House bill—

Providing artificial limbs for maimed persons in the State of Alabama ;

Which adverse report was concurred in.

With leave, Mr. Hamilton, from the joint committee, composed of the delegates in the two Houses from Mobile county, to which was referred the memorial of citizens of said county in relation to the board of commissioners for the improvement of the river, harbor and bay of Mobile, reported bill—

To regulate the further proceedings of the board for the improvement of the river, harbor and bay of Mobile, established by an act to provide for the improvement of the river, bay and harbor of Mobile, approved February 16, 1867;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

With leave, Mr. Hewitt offered the following resolution :

Resolved, That from and after this, the 8th day of April, 1873, the Senate shall convene at 9 o'clock a. m., daily ;

Mr. Terrell moved to amend by adding “ and adjourn at pleasure ;”

Which amendment was accepted ;

Mr. Murphy moved to lay the motion on the table ;

Which motion was lost;

Ayes 7, noes 18.

Ayes— Messrs. Dereen, Harris, Jones, Miller, Murphy, Parks and Terrell —7.

Noes—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Hewitt, Leftwich, Little, Martin, Royal, Snodgrass and Wilson—18.

The resolution, as amended, was then adopted.

With leave, Mr. Hamilton, from select committee, reported favorably, with amendment to title, to Senate bill—

To protect the interests and secure the State against loss growing out of her endorsement of the bonds of railroad companies;

The report of the committee was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed ;

Title of bill was amended so as to read—

To protect the interests of the State under the power reserved in the ninth section of an act entitled An act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within this State.

With leave, Mr. Black introduced bill—

To enlarge remedies in justices' courts, and avoid expensive suits in chancery ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To prohibit the sale of spirituous liquors within two miles of the Baptist church located at Arkadelphia, in the county of Walker,

Was passed.

House bill—

To prohibit the sale or giving away of spirituous, vinous or malt liquors, in certain cases, in this State,

Was read twice, under suspension of the constitutional rule ;

Mr. Hewitt moved to amend by striking out the word "incorporated," wherever it occurs in the bill ;

Mr. Terrell moved to amend the amendment by striking out the proviso to the first section of bill ;

On motion of Mr. Hewitt,

The amendment to the amendment was laid on the table ;

On motion of Mr. Parks,

The amendment was laid on the table ;

Mr. Jones offered the following amendment:

Provided, This act shall not apply to the county of Lowndes ;

On motion of Mr. Curtis,

The amendment was laid on the table ;

Mr. Jones moved to amend by inserting "one-fourth of a mile ;"

On motion of Mr. Haralson,

The amendment was laid on the table ;

Ayes 19, noes 6.

Ayes—Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Miller, Parks, Royal and Wilson—19.

Noes—Messrs. Coleman, Jones, Martin, Murphy, Snodgrass and Terrell — 6.

On motion of Mr. Parks,

The constitutional rule was suspended so as to give the bill a third reading forthwith ;

Ayes 21, noes 4.

Ayes—Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Martin, Miller, Parks, Royal, Snodgrass and Wilson—21.

Noes—Messrs. Coleman, Jones, Murphy and Terrell —4.

Bill was then read a third time and passed.

House amendments to Senate bills—

To provide for the payment of the Board of Regents of the State University ;

To incorporate the town of Springville, in the county of St. Clair ;

Were severally concurred in.

House bills—

For the relief of Wm. Steeley, of Jackson county ;

To prohibit the sale, giving away or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters within one mile of O'Neal's grist and saw mill, at Eureka coal mines, in Jackson county ;

To prohibit the sale of ardent spirits within two miles. of Bethel church, in Winston county, and within two miles of the Methodist church, at Robinson's Springs, Elmore county ;

To repeal an act entitled An act to enable the commissioners courts of St. Clair, Walker and Choctaw counties respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties, approved February 7, 1870, so far as the same relates to the county of St. Clair ;

To authorize the assessment and the collection of the tax upon the lands belonging to Walter H. McDaniel, by the tax assessor and collector of the county of Bibb, and exempt the same from the assessment and collection of tax in the county of Perry ;

To establish election precincts in the county of Jefferson, at Irondale and. Ironton ;

To amend An act to authorize the commissioners court of Pike county to collect a tax to pay bridge claims, if in their opinion it is necessary, approved. February 26, 1873;

To repeal an act prohibiting the sale of spirituous liquors at or within two miles of the town of Houston, in the county of Winston, approved. January 27, 1872 ;

To prohibit the sale of spirituous, vinous or malt liquors within three miles of Mount Tabor church, Blount county ;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House joint resolution—

Authorizing and directing State Auditor to draw his warrant in favor of F. M. Shouse, late sheriff, &c., for seventy-five dollars,

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To create the office of recorder of deeds and mortgages in the county of Montgomery,

Was read twice, under suspension of the constitutional rule ;

Mr. Murphy moved to amend by inserting "Marion," after "Montgomery," wherever it occurs in the bill ;

Mr. Haralson moved to amend the amendment by inserting "and Dallas," after " Marion ;"

On motion of Mr. Cobb,

Bill and amendment were referred to a select committee, consisting of Messrs. Cobb, Parks and Goodloe, with instructions to report thereto to-morrow at 10 o'clock, and made it special order for that hour.

House bill—

To provide for the election of town marshal in the town of Athens,

Was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

On motion of Mr. Miller,

The partial report of the joint committee to enquire into the finances of the State,

Was taken from the table, and read as follows :

REPORT OF THE SPECIAL COMMITTEE TO INQUIRE INTO THE FINANCES OF THE STATE.

Mr. President :

Your committee, to whom was referred joint resolution which reads as follows :

Resolved, by the House of Representatives (the Senate concurring), That a joint committee, of five be appointed, three upon the part of the House, and two upon the part of the Senate ; said committee be instructed to inquire into the finances of the State, and report at some early day the correct liabilities of the State, in bonds, temporary loans, and unsettled accounts, as it existed at the close of the last fiscal year, 30th September, 1872.

That said committee be empowered to send for persons and papers.

Amended by inserting after the figures 1872, the words " and to the present time,"

Have had a part of the said matters under consideration, and beg leave to make a partial report, and ask for further instructions.

Your committee have examined several witnesses in reference to the accounts of Lehman, Durr & Co., late financial agents of the State, at Montgomery, and beg leave to report as follows :

That so far as the accounts of the said Lehman, Durr & Co. are concerned, your committee find their statements, comprising items of receipts and disbursements, which involve transactions of considerable magnitude, correct ; that they appear to have accounted for all the monies and property entrusted to them.

We are led to believe that the various accounts, as exhibited by the said Lehman, Durr & Co., late financial agents, and as certified to by vouchers and accounts current of Duncan, Sherman & Co. and Henry Clews & Co.

that the State appeared, to be indebted to the said, Lehman, Durr & Co. in the sum of $72,706.18.

Their respective accounts show as follows:

Loan account, due thereon 30th November, 1872.	$136,617 31
Treasurer's pass book, over draft, due November 30th, 1872.....	27,043 58
Amounting to.....	$163,660 89

CREDIT.

By account due State of Alabama, in general account, as per account rendered.....	$39,294 71
Balance due Lehman, Durr & Co., November 30th, 1872.....	$124,366 18
Less amount deposited by R. M. Reynolds, Trustee under contract, against $55,000 bonds of $1,000,000 loan.,,.....	51,660 00
Leaving balance due Lehman, Durr & Co., November 30, 1872.....	$72,706 18

Lehman, Durr & Co. hold as collateral for this balance due them, $83,000.00 of State bonds, part of the million loan.

In the loan account of said Lehman, Durr & Co., there is stated an amount as having been loaned the Selma, Marion and Memphis Railroad of $16,000.00, on the 23d. February, 1872, pledge of $21,000.00 first mortgage bonds of said road, endorsed by the State, the said bonds being at that time in the possession of his Excellency Governor R. B. Lindsay, as evidenced by a paper writing accompanying the vouchers of Lehman, Durr & Co.

The coupons which this $16,000.00 loan paid were taken up, and are held uncancelled by Messrs. Lehman, Durr and Co., and are now in their possession ; these coupons will be returned by them upon settlement of their account.

This loan of $16,000.00 was made at the solicitation and instance of Governor Lindsay, as will be seen by the following certificate, produced by Lehman, Durr & Co. before the committee, as evidence of their account. The certificate reads as follows :

" I hereby certify that I have carefully examined the foregoing account of loans and negotiations by Lehman, Durr & Co., fiscal agents of the State of Alabama, and find the same to be correct in every particular ; and that the several transactions therein detailed were done under the direction of the Executive department during my administration.

" The amounts charged as commission I deem reasonable, customary and just, knowing as I do the stringency of the money market at the time, and the great difficulty they encountered in raising the necessary funds to meet the often occurring and pressing exigencies of the State. The amount loaned to the Selma, Marion and Memphis Railroad company was made at my suggestion, and under my advice, as executive, to avoid further railroad complications with defaulting companies, at a time when the Alabama and Chattanooga Railroad threatened to engulf our public credit.

" The loan was made to the company directly on its acceptance, yet the proceeds were applied to the payment of the due and unpaid interest on endorsed bonds, for which the State was liable, and the company unable to meet.

"Every transaction of Lehman, Durr & Co. was done at my request, as executive, and done with a view to protect the interest and credit of the State.

[Signed,] "ROBERT B. LINDSAY."

From the evidence before your committee, it appears that the $21,000.00 bonds held as collateral security of the said Selma, Marion and Memphis Railroad for the loan of $16,000.00, are in possession of R. B. Lindsay, late Governor of this State.

Your committee would respectfully recommend that steps be taken at once to place these $21,000.00 bonds in possession of the State, where they properly belong.

The exhibits which Messrs. Lehman, Burr & Co. have made of their transaction, all of which they have cheerfully shown, appear to be satisfactory to your committee, and they recommend that their account as herein specified be audited, taking from them the necessary evidences and receipts, in settlement of the same ; they turning over all collaterals held by them, to his Excellency, Governor D. P. Lewis, on payment of their account.

Your committee beg leave to report, relative to the coupons paid for interest due on the bonded debt of the State, as shown by the various accounts of the financial

agents of the State, for the periods embraced in their report, (fiscal years, ending September 30th, 1870-71-72), that they have no evidence of the payment and cancellation of the said coupons. From the testimony of Mr. O. R. Blue, late employee in the Treasurer's office, it appears there has been no means of verifying the payment and cancellation of coupons and matured bonds, for any particular period ; the custom seems to have been, that the financial agents at New York and London, have transmitted the statement of coupons paid and cancelled, accompanied by the coupons so paid and cancelled, the said statement being verified otherwise by the accompanying coupons. In one instance, the coupons accompanying the statement received from London, were found to be largely in excess, as will be seen by the statement of Mr. Blue. We would also beg leave to call your attention to his statement, relative to certain 8 per cent. bonds, amounting to $4,500, issued in 1860, by which it appears that in the fall of 1871 these bonds were received at the Treasury, having all the coupons attached from the date of issue, and yet the entire amount of interest dup on these bonds had been regularly sent forward to New York, every six months. Your committee would also call your attention to the fact, that coupons uncancelled of the "Alabama and Chattanooga Railroad," from endorsed bonds for January and July, 1871, have been found in the office, of the executive, in a mucilage box, amounting to over $20,000.

To your committee these facts show great irregularity, and the necessity of a proper system for verifying the paid coupons and matured bonds, and of their being returned when so paid and cancelled to the proper department of the State.

We would recommend that the financial agents, at New York and London, who have been furnished with funds, and who have paid coupons, matured bonds, or other evidences of indebtedness, be required to produce the same, and return them to the proper officer of the State, in substantiation of their accounts.

Your committee have not had the time to examine the accounts of Messrs. Duncan, Sherman & Co., and Messrs, Henry Clews & Co., of New York, as financial agents of the State.

The account of Messrs. Duncan, Sherman & Co. shows a large indebtedness of the State to them, and your com-

mittee would respectfully recommend, that their accounts be carefully examined before being audited, by this or some other committee, as to coupons, short bonds, acceptances, &c., charged against the State.

All of which is respectfully submitted.

WM. MILLER, JR.,
Chairman, } Senate Committee.
W. H. EDWARDS,
JOHN BRUCE, } House Committee.
MONROE DONOHO.

Mr. Hamilton offered the following resolutions relative thereto:

Resolved, That the report of the joint special committee from the two Houses of the General Assembly, appointed to enquire into the finances of the State, and report the correct liabilities of the State, so far as it relates to the accounts of Lehman, Durr & Co., be concurred in, and that the accounts of that firm be audited and settled, as recommended by the committee, by the Auditor of Public Accounts, under the direction of the Governor.

Resolved, further, That said committee be continued during vacation to pursue the investigation into the matters confided to them by the original resolution, but to the proper performance of which sufficient time has not been allowed, and particularly of continuing and completing the investigation of the accounts of Messrs. Duncan, Sherman & Co. and Henry Clews & Co., as financial agents of the State, in New York ; and that for that purpose, if need be, said committee be authorized to appoint a sub-committee to visit New York and make personal inspection of books, entries and original vouchers relating to their agency for the State, and that they report at an early day the result of their investigations, to the Governor, who shall be authorized to settle the claims presented, should the statement of balances reported by the committee meet his approval.

Resolved, further. That said committee be instructed to prepare and report to the General Assembly, at its next session, a bill for the establishment of a system, whereby all bonds, coupons and other evidences of debt issued by the State shall be registered, so that information can always be had of the amount of liabilities assumed by the State, and all bonds, coupons and evi-

dences of debt paid or extinguished by the State, be securely preserved, and proper registry thereof, with suitable indexes, be prepared and kept as a part of the public records of the State.

On motion of Mr. Parks,

The further consideration of the resolutions were postponed until 12 o'clock to-morrow, and they were made the special order for that hour.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 8, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To amend an act entitled An act to authorize and empower John Quinn, of Muscogee county, Georgia, to administer upon the estate of James Torry, in Russell county, Alabama.

ROBERT BARBER,
Clerk of the House.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act to prevent the selling, giving or delivering of any vinous, fermented or spirituous liquors to persons who are, or who are reputed to be, of unsound mind ;

An act to enlarge the powers and duties of the clerk of the criminal court of Bullock county ;

An act to distribute certain copies of Brickell' s Digest ;

An act for the protection of sheep.

Joint resolution—

For the payment of a clerk for the joint financial committee ;

An act to amend section 1833 of the Revised Code of Alabama ;

An act to regulate the organization of grand, juries in Bullock county ;

An act to punish parties carrying about their persons, concealed, brass knuckles, slung shots, or weapons of like kind or description.

Joint resolution—

In regard to the appointment of commissioners to confer with commissioners appointed, under the authority of the Legislature of the State of Mississippi ;

An act to amend section 429 of the Revised Code of Alabama ;

An act for the relief of Augustus C. Pearce, Margaret Pearce, Eleanor Pearce and Joseph Pearce, of the county of Marengo, Alabama ;

An act to compel the tax collectors to pay over county taxes monthly ;

An act to authorize the collection of debts for labor and services rendered for the benefit of trust estates.

Also—

An act to repeal an act entitled An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31, 1868, so far as the same relates to certain portions of said county therein named.

FINANCE AND TAXATION.

Mr. Goodloe, from the committee on finance and taxation, reported favorably, with amendment, to House joint resolution—

To authorize the Auditor to draw his warrant on the Treasurer, in favor of Jonathan Barton, of Winston county, for the sum of $86 75-100 for services rendered as sheriff ;

The report was concurred in, and the amendment adopted ;

Joint resolution, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

The title was amended by striking out $86 75-100, and inserting $56 75-100.

On motion of Mr. Miller,

Senate adjourned until 9 o'clock, to-morrow.

WEDNESDAY, April 9, 1873.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Hamilton, Haralson, Harris, Hewitt, Leftwich, Martin, Parks, Royal, Snodgrass and Terrell —17.

Journal of yesterday was read and approved.

GENERAL ORDER SUSPENDED.

On motion of Mr. Parks,

General order was suspended for the purpose of receiving reports from standing committees.

FEDERAL RELATIONS.

Mr. Cobb, from the committee on federal relations, reported adversely to Senate joint resolution—

In relation to amendments to the federal constitution ;

The adverse report was concurred in.

EDUCATION.

Mr. Harris from the committee on education, reported favorably, with amendment, to Senate bill—

To authorize the Governor to issue a patent, conveying to Hugh L. McClung certain lands therein mentioned ;

The report was concurred in, and the amendment adopted ;

Bill thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, a substitute for House bill—

To appropriate all taxes collected upon licenses in the city of Birmingham to the public school fund of said city ;

Mr. Martin submitted the following minority report on the part of himself and Mr. Murphy, of the committee, favorable to the original bill :

Mr. President:

The undersigned, members of the committee on education, not being able to agree with the committee in the adverse report upon "a bill to be entitled An act to appropriate all taxes collected upon licenses in the city of Birmingham to the public school fund of said city," beg leave to recommend that the bill be passed by the Senate.

In support of the foregoing recommendation of the passage of that bill, we ask to submit the following statement of the reasons which have influenced, their action:

An examination of the subject develops the fact that, by an act passed by the Board of Education at its last session, the city of Birmingham was made a separate school district ; and that a superintendent has been appointed, under the legislation of the board, for that district, thus evidencing the opinion entertained by that body of the propriety and necessity for other and different provision, in this instance, from that which is usual and customary.

This action by the board, charged as the members are with the educational interests of the State, has had great influence with the undersigned, and calls for a like recognition on the part of the Senate of the claims of Birmingham for peculiar legislation at this present. In our opinion the case of the city of Birmingham is, in a pre-eminent degree, exceptional; and the following reasons are submitted, to substantiate that proposition:

Less than two years ago, a few enterprising citizens, actuated by an earnest desire to develop the great sources of wealth of Alabama, undertook the building of a city in the very heart of the richest mineral region of the State. Bringing to that work their own capital, and an energy and detetermination rarely equalled, they have reared the commanding proportions of a city in an incredibly short space of time, and to-day, instead of a barren field, too poor for profitable cultivation, we have large and valuable buildings and fixtures thereon, upon which taxes are assessed, and large sums collected, for the State's treasury. Besides, if the designs of its founders be realized, Birmingham will be the home of the laborer and mechanic ; and in order to secure the rapid influx of such a population, so necessary for the development of the various interests in that vicinage, as good advantages must be offered in an educational point of view, as are enjoyed in the older and wealthier portions of the Union. We are of opinion that the passage of this measure will secure a school system for that city, which will reflect credit upon the State, and confer blessings upon that community. The amount appropriated by the provisions of the bill for that purpose is comparatively trifling, but it is, in one point of view, of the greatest importance ; it will be the recognition (should the measure become a law) by the General Assembly of its appreciation of the most determined efforts ever made in Alabama, for the ad-

vancement of her best interests, and the protection of her financial reputation. Besides, the sum so appropriated will serve as a nucleus, around, which will be gathered donations, contributions, and like provisions for that end, and a result will be attained at which all men in our State must rejoice. Already has the mayor of that city donated his entire salary and fees of office to the school fund ; and the citizens, feeling alive to the importance of this measure of relief—this act of recognition —are most earnest in desiring its passage.

In addition to the foregoing, attention is directed to the fact, that Birmingham is, just now, in a condition to derive the greatest and most enduring benefits from the passage of this bill. To-day, the eyes of the capitalists of the country arc turned to that city ; they are now ready to invest their money in developing that richest portion of the State ; but to do this, they require, indeed must have, skilled labor ; for without such labor, their enterprises cannot be prosecuted with the needed energy to the pecuniary success desired. But to get skilled labor, they mast have it in their power to assure the laborer, that such educational advantages will be furnished for their children, as are now enjoyed by them in their distant homes.

We are, therefore, earnestly impressed, not alone with the propriety of passing this bill, but also feel it to be a rare opportunity of securing a great end by the contribution, on the part of the State, of a merely nominal sum. If it be a safe, prudent and judicious policy to relieve from taxation, for the purpose of inviting the investment of capital, is it not a necessary part of that policy, to enable such capital, as far as may be, to successfully prosecute the development of the mineral interests of the State, by placing it within the power of such capital to command the skilled labor so necessary therefor ? Such a policy, we believe to be demanded by the nature of the case, and it receives our unqualified approval.

Respectfully submitted, ;

S. H. MURPHY,
J. M. MARTIN.

On motion of Mr. Terrell,

Report and bill were indefinitely postponed ;

Ayes 17, noes 3.

Ayes—Messrs. Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Goodloe, Hamilton, Harris, Hewitt, Little, Martin, Murphy, Parks, Royal, Snodgrass and Terrell—17.

Noes—Messrs. Black, Jones and Leftwich—3.

MESSAGES FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 9, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 8th instant he approved and signed the following bills, originating in the Senate :

An act to authorize the collection of debts for labor and service rendered for the benefit of trust estates ;

An act to amend section 429 of the Revised Code of Alabama ;

An act to regulate the organization of grand juries in Bullock county ;

An act to amend section 1833 of the Revised Code of Alabama ;

An act for the protection of sheep ;

An act to distribute certain copies of Brickell's Digest ;

An act to compel tax collectors to pay over county taxes monthly ;

An act to enlarge the powers and duties of the clerk of the circuit court of Bullock county ;

An act to punish parties carrying about their persons brass knuckles, slung shot, or weapons of like kind or description ;

An act to repeal an act entitled An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31st, 1868, so tar as the same relates to certain portions of said county therein named ;

An act to prevent the selling, giving or delivering of any vinous, fermented or spirituous liquors to persons who are or who are reputed to be of unsound mind.

Also, the following

JOINT RESOLUTIONS.

Joint resolution in regard to appointing commissioners to confer with commissioners appointed under the authority of the legislature of the State of Mississippi ;

Joint resolution to provide for the payment of a clerk for the joint financial committee.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 9, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bill, originating in the Senate :

An act for the relief of Augustus C. Pearce, Margaret Pearce, Eleanor Pearce and Joseph Pearce, of the county of Marengo, Alabama.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

SPECIAL ORDER.

At 10 o'clock the special order set for that hour came up, it being a report from a select committee.

Mr. Parks, from the select committee, reported favorably, with amendments, to House bill—

To create the office of recorder of deeds and mortgages in the county of Montgomery ;

The amendments proposed by the committee are as follows:

Amend by inserting, between the word "appointed" and "and," in the sixth line of third section, the following, to-wit:

"And has given bond in the sum of five thousand dollars, to be approved by the Governor, and payable and conditioned as the bonds of all public officers ;"

Also, amend by adding the following proviso to the fifth section, to-wit:

Provided, That all the provisions of this act shall extend to and be of fall force in the counties of Dallas and Madison, so far as the same are applicable ; and the same power of appointment, under the limitations herein prescribed, is conferred upon the Governor for the benefit of said committees;

The report was concurred in ;

Mr. Hewitt asked for a decision of the question on the adoption of the amendments ;

The first amendment was then adopted ;

On motion of Mr. Cobb,

The words “Dallas and ” were stricken out of the second amendment ;

Thus amended,

The amendment was adopted ;

Mr. Terrell offered the following amendment, which was adopted:

Amend section 3 as follows :

"A copy of which bond or bonds shall be forthwith filed with the Secretary of State, and the original to be duly recorded in the office of the probate judge of the respective counties ;

On motion of Mr. Parks,

The constitutional rule was suspended so as to give the bill a third reading forthwith ;

Ayes 18, noes 4.

Ayes—Messrs. Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Goodloe, Haralson, Harris, Jones, Little, Miller, Murphy, Parks, Snodgrass, Terrell and Wilson—18.

Noes—Messrs. Black, Hamilton, Hewitt and Royal—4.

Bill, as amended, was then. read a third time and. passed ;

Ayes 18, noes 6.

Ayes—Messrs. Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Glass, Goodloe, Haralson, Harris, Jones, Little, Miller, Murphy, Parks, Snodgrass, Terrell and Wilson—18.

Noes—Messrs. Curtis, Hamilton, Hewitt, Leftwich, Martin and Royal—6.

On motion of Mr. Murphy,

Title of bill was amended by adding, " and Madison," and striking out "county," and inserting "counties."

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 9, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows:

An act to provide for the payment, of the Board of Regents of the State University ;

An act to incorporate the town of Springville, in the county of St. Clair.

Mr. Terrell gave notice that he would make a motion to reconsider the vote by which Senate on yesterday passed House bill—

To prohibit the sale of ardent spirits within two miles of Bethel church, in Winston county, and within two miles of the Methodist church, at Robinson's Springs, Elmore county.

On motion of Mr. Hewitt,

House bill—

To ratify and confirm certain contracts made by the Governor of the State of Alabama for the sale of the Alabama and Chattanooga Railroad and its appurtenances and franchises, and of the lands and telegraph lines of said railroad company to the New Orleans and North-East Railroad company,

Was taken zip ;

Bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Hewitt, Miller, Hamilton, Goodloe and Haralson, with instructions to report thereto at 1 o'clock to-morrow, and it was made the special order for that hour, and fifty copies ordered printed for the use of the Senate.

On motion of Mr. Hamilton,

House joint resolution—

In respect to titile to railroad companies that have received State aid,

Was taken up ;

Joint resolution was read three times forthwith, under suspension of the constitutional rule, and passed.

PRIVILEGES AND ELECTION'S.

Mr. Hewitt, from the committee on privileges and elections, reported favorably to House bills—

To prohibit any person from selling, giving away or otherwise disposing of any spirituous, vinous or malt liquors within two miles of the Baptist church at Louina, in Randolph county ;

For the relief of the widow and legatees under the will of the late Wm. H. Bullock, deceased ;

The reports were concurred in, and bills severally read a third time, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being Senate resolution—

Relative to the partial report of the joint committee to enquire into the finances of the State ;

On motion of Mr. Parks,

The further consideration of the resolutions was postponed for the purpose of receiving reports from standing committees.

Mr. Hewitt, from the committee on privileges and elections, reported adversely to House bill—

To provide for the removal of poor-house keepers ;

Which adverse report was concurred in.

Also, from the same committee, favorably to House bill—

To make Elizabeth A. Murray a free dealer ;

The report was concurred in ;

Ayes 15, noes 7.

Ayes— Messrs. Cooper, Curtis, Dereen, Edwards, Glass, Haralson, Jones, Leftwich, Martin, Miller, Parks, Royal, Snodgrass, Terrell and Wilson—15.

Noes—Messrs. Black, Cobb, Coleman, Cunningham, Driesbach, Hewitt and Little—7.

On motion of Mr. Cobb,

Bill was indefinitely postponed ;

Ayes 12, noes 9.

Ayes—Messrs. Cobb, Coleman, Cunningham, Dereen, Driesbach, Goodloe, Hamilton, Hewitt, Little, Parks, Snodgrass and Terrell —12.

Noes—Messrs. Cooper, Curtis, Edwards, Glass, Haralson, Jones, Leftwich, Martin and Wilson—9.

Mr. Dereen, from the same committee, reported favorably to Senate bills—

To authorize David S. Brooks, administrator of the estate of Abraham W. Brooks, deceased, to sell the lands of said estate at private sale ;

To authorize Mary Edwards, of Baker county, to sell and convey certain real estate therein mentioned ;

The reports were concurred in, and bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill---

To authorize the payment of certain monies into the State treasury ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule ;

On motion of Mr. Cobb,

Bill was laid on the table ;

Ayes 12, noes 7.

Ayes— Messrs. Cobb, Cooper, Glass, Goodloe, Hamilton, Haralson, Jones, Martin, Miller, Snodgrass, Terrell and Wilson—12.

Noes— Messrs. Cunningham, Dereen, Driesbach, Edwards, Hewitt, Murphy and Royal—7.

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Parks, from the committee on municipal and county organizations, reported favorably to Senate bill---

To relieve judges of the courts of probate from the duties imposed upon them by law pertaining to the court of county commissioners ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule ;

Bill was then lost;

Ayes 3, noes 16.

Ayes—Messrs. Cooper, Haralson and Parks—3.

Noes— Messrs. Black, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Goodloe, Hamilton, Harris, Hewitt, Martin, Miller, Snodgrass and Terrell—16.

Also, from the same committee, favorably to Senate bill-

To change the boundary line between the counties of Shelby and Baker ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule ;

Bill was then passed ;

Ayes 19. noes 1.

Ayes—Messrs. Black, Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Glass, Hamilton, Haralson, Harris, Hewitt, Jones, Murphy, Parks, Snodgrass, Terrell and Wilson—19.

Noes— Mr. Martin—1.

Also, from the same committee, favorably to Senate bill---

In relation to the charter of Ely ton, in Jefferson county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill—

To change the boundary line between the counties of Pike and. Montgomery ;

On motion of Mr. Wilson,

The further consideration of the report and bill was postponed until 12 o' clock to morrow.

Also, from the same committee, favorably to Senate bill—

To authorize the court of county commissioners to elect a chairman and a clerk of said court, and define their duties ;

On motion of Mr. Hewitt,

Bill and report were indefinitely postponed.

Also, from the same committee, favorably to Senate bill—

To authorize the clerk of the criminal court of Dallas county to record conveyances ;

The report was concurred in ;

On motion, of Mr. Martin,

Bill was indefinitely postponed.

On motion of Mr Little, Senate resolutions—

Relative to the partial report of the joint committee to enquire into the finances of the State,

Was taken up ;

Mr. Hamilton offered the following amendment,

Which was adopted:

Strike out the words said committee be authorized to appoint a sub-committee," where they occur in the second resolution, and insert in lieu thereof the words, "with the approval of the Governor, the said committee be authorized to appoint a sub-committee, or a special agent."

The resolutions, thus amended, were adopted.

On motion of Mr. Miller,

Mr. Cobb was added to the committee.

BILLS INTRODUCED.

With leave, Mr. Martin introduced bill,

To provide for substitution of records destroyed or lost by accident;

Which bill was read three times, under suspension of the constitutional rule, and passed.

With leave, Mr. Coleman introduced bill—

To authorize James Benagh to administer on the estate of Thomas H. Hobbs, deceased, and to fix the amount of his bond ;

Which bill was read. twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

FINANCE AND TAXATION.

Mr. Goodloe, from the committee on finance and taxation, reported adversely to House bill—

To consolidate the offices of tax collector and assessor in the county of Crenshaw ;

Which report was concurred in.

Also, from the same committee, favorably to Senate bills—

To restrict the counties to a certain rate of taxation ;

For the relief of H. W. Caffey, of Lowndes county ;

The report was concurred in, and bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably, with amendment, to Senate bill—

For the relief of James L. Daniel, of Barbour county;

The report was concurred in, and amendment adopted;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to Senate bill—

To authorize and require the auditor to transfer certificates of purchase of lands bid in by the State, upon payment of taxes and costs due thereon ;

The report was concurred in.

Mr. Hamilton offered the following amendment, which was adopted:

Insert after "payment" the words "by the owner of the same, or to whom it was assessed ;"

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, Senate joint resolution—

For the relief of Lewis Hobart, agent for M. S. Hobart;

The report was concurred in, and joint resolution read. a third time, under suspension of the constitutional rule;

Joint resolution was then passed ;

Ayes 13, noes 8.

Ayes—Messrs. Black, Cooper, Cunningham, Driesbach, Edwards, Glass, Goodloe, Martin, Miller, Murphy and Wilson—11.

Noes—Messrs. Cobb, Coleman, Curtis, Hamilton, Haralson, Hewitt, Little and Royal—8.

Also, from the same committee, favorably to Senate joint resolution—

Legalizing the official acts of the Auditor of the State, under the compromise proposed by the Attorney General of the United States ;

The report was concurred in, and joint resolution read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, a substitute for Senate bill-

Regulating and fixing the salaries of public officers, and per diem and mileage of members and officers of the General Assembly of Alabama, to be entitled bill—

Fixing the per diem of members and officers of the General Assembly, and regulating the mileage of members ;

Mr. Hewitt moved to amend the substitute by striking out all after the enacting clause, and inserting the following :

That the speaker of the House of Representatives shall receive eight dollars for each days' attendance, and each member of the General Assembly shall receive four dollars for each days' attendance, and the speaker of the House and each member of the General Assembly shall be allowed four dollars for every twenty miles travel going to and returning from the seat of government, to be charged but one time during any one session, to be computed according to the distances specified in section 49 of the Revised Code of Alabama ;

Be it further enacted, That section 49 of the Revised Code be and the same is hereby repealed.

Mr. Haralson moved to indefinitely postpone bill and amendments ;

Which motion was lost ;

Ayes 2, noes 18.

Ayes—Messrs. Edwards and Royal—2.

Noes—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Little, Martin, Miller, Murphy, and Wilson—18.

Pending the consideration of the same,

On motion of Mr. Miller,

Senate adjourned until 9 o'clock to-morrow.

THURSDAY, April 10, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Howell, of the House.

ROLL CALL.

On the call of the roll the following Senators answered to their names :

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Goodloe, Haralson, Harris, Hewitt, Leftwich, Little, Martin, Miller, Murphy, Parks, Snodgrass, Terrell and Wilson—22.

Journal of yesterday was read and approved.

RECONSIDERATION.

On motion of Mr. Terrell,

The vote by which Senate passed House bill—

To prohibit the sale of ardent spirits within two miles of Bethel church, in Winston county, and within two miles of the Methodist church at Robinson Springs, Elmore county,

Was reconsidered ;

Bill was then referred to a select committee, consisting of Messrs. Terrell, Harris and Leftwich, with leave to report at any time.

On motion of Mr. Coleman,

Senate bill—

To authorize James Benagh to administer on the estate of Thomas H. Hobbs, deceased, and to fix the amount of his bond,

Was withdrawn from the committee on local legislation ;

Bill was read a third, time, under suspension of the constitutional rule, and passed.

LOCAL LEGISLATION.

With leave, Mr. Dereen, from the committe on local legislation, reported favorably, with amendment, to House bill—

To repeal section 1374, in article 1, of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Randolph and Madison ;

The report was concurred in, and amendment adopted ;

Mr. Cooper offered the following amendment,

Which was adopted :

Amend by inserting " Cherokee" after "Russell," in the body and caption of the bill ;

Bill, thus amended, was read a third time, under Buspension of the constitutional rule, and passed.

Title of bill was amended by striking out "Randolph" and inserting "Cherokee."

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Hewitt—

To enable the minor grand children of James M. Kitchens, sr., deceased, to sell and convey their interest in and to the lands devised to them, to John Brown, of the county of Walker, in this State ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Wilson—

To amend section four thousand and sixty-three of the Revised Code of Alabama ;

Which bill was read twice, under Suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Haralson—

For the relief of Amanda Holmes and others, as sureties for J. C. S. Timberlake, late tax collector of Dallas county, on his official bond ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee, on finance and taxation.

On motion of Mr. Hewitt,

Senate bill—

To amend section 1 of An act to protect the keepers, owners or proprietors of livery stables, approved March 3, 1871,

Was taken from the table ;

The report of the committee was concurred in, and amendment adopted.

Mr. Hewitt offered the following amendment,

Which was adopted:

Provided, The lien herein created shall not attach to property in the possession of bona fide purchasers, without notice of said lien ;

Bill, thus amended, was read third time, under suspension of the constitutional rule, and. passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the committee on the judiciary, reported favorably, with amendment, to Senate bill—

To amend section twenty-five hundred and sixty-two of the Revised Code of Alabama ;

The report was concurred in, and amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, substitute for Senate bill—

Supplementary to and. explanatory of An act to supply justices of the peace and notaries public with forms of proceedings, to be entitled bill—

To supply justices of the peace and notaries public with forms of proceedings ;

The report was concurred, in, and substitute adopted ;

Bill, thus amended, was read a third, time, under suspension of the constitutional rule, and passed.

SELECT COMMITTEE.

Mr. Terrell, from select committee, reported favorably, with amendment, to House bill—

To prohibit the sale of ardent spirits within two miles of Bethel church, in Winston county, and within two miles of the Methodist church at Robinson's Springs, Elmore county ;

The report was concurred in, and amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Title of bill was amended by striking out "two" where it last occurs therein, and inserting "four" in lien thereof.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 10, 1873.

Mr. President :

I am directed by the Governor to inform the Senate, that on the 9th instant he approved and signed the following bills, originating in the Senate :

An act to provide for the payment of the board of regents of the State university ;

An act to incorporate the town of Springville, in the county of St. Clair.

Respectfully,

C. J. ATKINSON,

Recording Secretary.

LOCAL LEGISLATION.

Mr. Dereen, from the committee on local legislation, reported favorably to House bill—

To repeal An act to amend section 1323 of the Revised Code, so far ass relates to Blount county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to House, bill—

To authorize the Secretary of State to furnish the county of Calhoun with a tract book for the use of said county;

On motion of Mr. Cooper,

Bill was laid on .the table.

With leave, Mr. Cooper introduced bill—

To prohibit the sale of vinous or spirituous liquors within two miles of the foundry and workshops and coaling grounds of the Woodstock Iron company, in Calhoun county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Dereen, from the committee on local legislation, reported favorably to Senate bill—

To prohibit the granting of license to vend at wholesale or retail vinous or spirituous liquors outside of any city or incorporated town in this State, and within two miles of any manufacturing establishment ;

The report was concurred in ;

Mr. Hewitt offered the following amendment,

Which was adopted:

Or coaling grounds of any iron company, or coal mine or mines;

Mr. Cooper offered the following amendment,

Which was adopted:

Strike out "outside of any city or incorporated town," whore it occurs in the first section, and append to the end of said section, "Provided, This act shall not apply to any incorporated city, town or village."

Mr. Snodgrass offered, the following amendment, which was adopted :

Provided, That the provisions of this act shall not apply to the counties of Jackson, Marshall and DeKalb ;

Ayes 15, noes 7.

Ayes—Messrs. Black, Cobb, Cooper, Driesbach, Edwards, Glass, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks and Snodgrass—16.

Noes—Messrs. Coleman, Cunningham, Curtis, Dereen, Haralson, Royal and Wilson—7.

Mr. Black offered the following amendment;

Which was adopted:

Provided, The provisions of this act shall not apply to the county of Barbour.

Mr. Jones offered the following amendment:

Provided, The provisions of this act shall not apply to the county of Lowndes ;

Mr. Miller offered the following amendment to the amendment:

Provided, That the provisions of this act shall not apply to Butler, Conecuh and Escambia counties ;

On motion of Mr. Black,

Bill and amendments were referred to a select committee, consisting of Messrs. Black, Cooper, Cobb, Harris and Royal.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 10, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To repeal An act, passed by the Board of Education, to provide for the introduction of "Brown's First Lines in Grammar" and "Brown's Institutes of Grammar," into the free public schools of the State ;

To repeal An act of the Board of Education, approved 14th December, 1872.

ROBERT BARBER,
Clerk of the House.

Mr. Hamilton, from the committee on the judiciary, reported favorably, with amendments, to Senate bill—

To authorize the judges of the circuit, criminal or city courts, having criminal jurisdiction, to remove the solicitors of such courts for incompetency or malfeasance ;

The report was concurred in, and the amendments adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Title of bill was amended so as to read—

To authorize the judges of the several circuit courts of this State to remove the solicitors of the several counties of their circuit for incompetency or malfeasance.

Also, from same committee, favorably to Senate bill—

To repeal an act entitled An act for the relief of laborers and employees, approved October 10, 1868 ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Also, from same the committee, substitute for Senate bill—

To amend section 16 of an act entitled An act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction, approved January 27, 1872 ;

The report was concurred in, and substitute adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favoralby to Senate bill—

To protect human life, and to provide for insane persons charged with crime;

The report was concurred in ;

Mr. Coleman offered the following amendment:

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be. and the same are hereby repealed.

Pending the consideration of which,

At 12 o'clock the

SPECIAL ORDER

Set for that hour came up, it being Senate bill—

To change the boundary line between the counties of Pike and Montgomery;

On motion of Mr. Wilson,

The further consideratin of report and bill was postponed until Monday next, at 12 o'clock m., and made the special order for that hour.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed, bills, reported as correctly engrossed :

A bill to supply justices of the peace and notaries public with forms of proceedings ;

A bill to amend section 1 of an act entitled An act, to protect the keepers, owners or proprietors of livery-stables, approved March 3, 1871;

A bill for the relief of H. W. Caffey, of Lowndes county ;

A bill to authorize and require the Auditor to transfer certificates of purchase of lands bid in by the State, upon payment of taxes and costs due thereon ;

A bill to change the boundary line between the counties of Shelby and Baker ;

A bill to authorize the Governor to issue a patent to Hugh L. McClung ;

A bill to authorize David S. Brooks, administrator of the estate of Abraham W. Brooks, deceased, to sell lands belonging to said estate at private sale ;

A bill in relation to the charter of the town of Elyton, in Jefferson county ;

A bill for the relief of James L. Daniel, of Barbour county.

Also, joint resolution—

For the relief of Lewis Hobert, agent of M. S. Hobert ;

Joint resolution—

Legalizing the official acts of the Auditor of State under the compromise proposed by the Attorney General of the United States.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 10, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows:

To revise and complete the geological and agricultural survey of the State of Alabama.

And has also passed, without amendment—

SENATE BILL,

Authorizing the city council of Montgomery to condemn and purchase real estate, as therein provided.

ROBERT BARBER,
Clerk of the House.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act authorizing the city council of Montgomery to condemn and purchase real estate, therein provided.

Mr. Hamilton, from the committee on the judiciary, reported substitute for Senate bill—

To regulate the settlements of executors, administrators and guardians ;

The report was concurred in, and substitute adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Also, from same committee, adversely to Senate bills—

To require guardians, in certain cases therein named, to settle every three years with the probate court ;

In relation to administrators and guardians ;

Which adverse report was concurred in.

Also, from the same committee, the following adverse report :

The committee on the judiciary, to which was referred certain bills to be entitled as follows, to wit :

1. An act to make all living in concubinage, or any cohabitation in sexual commerce between a man and woman in this State, a marriage of the persons so living or cohabiting ;

2. An act to aid in the suppression of the vice of irregular sexual commerce between a man and woman not regularly married ;

3. An act to define the rights of children born and begotten out of lawful wedlock in this State ;

4. An act to enlarge the rule of evidence in favor of defendants in certain criminal prosecutions in the courts in this State, wherein it is probable the offense charged is committed with some injury to the reputation, &c., of a woman ;

Respectfully report, they have had the same under consideration, and instruct me to report thereon, and recommend that each and all of said bills be indefinitely postponed.

These bills were accompanied by a petition, praying they might be enacted, into laws. That petition is signed with ten names, and with the exception of the name first signed, the signatures appear to have been written by the same hand which drew the petition.

Your committee cannot regard a petition so framed and signed, as representing any weight of public opinion in favor of the legislation it seeks. The person who framed this petition may honestly believe the laws it recommends will be productive of public good, but certainly it would be a dangerous precedent to accept such a document as of value for any purpose, beyond the fact that the writer proposes the measures he suggests. The sense of the community should be exhibited in a manner to show it has a much broader basis of support in the public mind than is exhibited by the petition now presented, before it should be allowed to stimulate legislative action, unless the measures proposed of themselves carry conviction of their propriety or necessity.

The four bills herein reported on, appear to be proposed for adoption as a system to regulate the family relations of the people of this State. No subject can be more important than that here presented. The foundation of the State, and of society itself, is the family—it is the germ from which society springs—it is the seed whence proceeds all that is good in the community—the fountain whence flows peace and quiet, and all that is to be desired, and all that is worthy of preservation in the institutions of any country.

The civilization and good order of any State, are to be chiefly measured by the estimate placed by its people upon the value and sanctity of the family. Where bastardy is as honorable as legitimate birth, where the casual connections of passion are treated with as much respect as the sacred ties of honorable marriage, there the people are degraded, and a degenerate civilization is not far distant, the sure fore-runner, if not accompaniment of decay ; and yet these are proposed by the bills now reported upon, and form part of the system suggested.

If adopted, these bills would invite to perjury, and subject every man to the imputation of adultery and illicit intercourse, at the will of any abandoned woman who. I might be prompted thereto by her own malignant passions, or incited thereto by the instigations of a malicious enemy ; they would become the cloak under which enmity might wreak revenge upon its unsuspecting victim, and the criminal go unwhipt of justice.

Under their operation abandoned women would become the mistresses of society, and soon dethrone the virtuous wife and devoted mother from the position which belongs to her, and which Christian civilization delights to recognize at once as her due, and at the same time as the best safeguard of its own existence and perpetuity.

Respectfully submitted,

P. HAMILTON,

Chairman.

February 19, 1873.

Mr. Haralson moved to postpone the further consideration of the report and bills until Monday next, at one o'clock, and make them the special order for that hour ;

On motion of Mr. Cooper,

The motion was laid on the table.

Ayes 12, noes 6.

Ayes—Messrs. Black, Cobb, Coleman, Cooper, Hamilton, Harris, Hewitt, Leftwich, Little, Miller, Snodgrass and Terrell—12.

N es— Messrs. Curtis, Goodloe, Haralson, Jones, Murphy and Royal—6.

The adverse report was concurred in, and bills indefinitely postponed ;

Ayes 11, noes 7.

Ayes— Messrs. Cobb, Coleman, Cooper, Hamilton, Harris, Hewitt, Leftwich, Little, Miller, Snodgrass and Terrell—11.

Noes— Messrs. Black, Curtis, Haralson, Jones, Murphy, Royal and Wilson—7.

Mr. Hamilton, from the committee on the judiciary, reported substitute for Senate bill—

To require all fines and forfeitures to be paid in money ;

The report was concurred in ;

Mr. Haralson moved to indefinitely postpone bill ;

Which motion was lost ;

Ayes 4, noes 17.

Ayes—Messrs. Edwards, Haralson, Snodgrass and Terrell—4.

Noes—Messrs. Black, Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Murphy and Wilson—17.

Mr. Little offered the following amendment,

Which was adopted:

Provided, however, That any defendant in any criminal case having been fined, shall be authorized to pay

said fine, in any claim he may hold against the fine and forfeiture fund originally issued to and owned by him, the said defendant ;

Mr. Terrell offered the following amendment :

That the counties of Tallapoosa and Coosa be excepted from the provisions of this act.

Mr. Edwards moved to amend the amendment by inserting "Blount ;"

Which amendment was accepted ;

The amendment, thus amended, was adopted.

Mr. Haralson offered the following amendment ;

Provided, further, That all witnesses summoned for defendants shall be paid out of said fund as witnesses summoned for the State, in all cases witnesses are to be paid by the State ;

On motion of Mr. Cooper,

The amendment was laid on the table ;

Mr. Haralson moved to lay bill on the table ;

Which motion was lost ;

Ayes 4, noes 17.

Ayes—Messrs. Edwards, Haralson, Snodgrass and Terrell—4.

Noes— Messrs. Black, Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Glass, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Martin, Murphy and Wilson—17.

Pending the consideration of which,

SPECIAL ORDER,

At 1 o'clock, on motion of Mr. Hewitt,

The select committee was granted until 12 o'clock tomorrow to report upon House bill—

To ratify and confirm certain contracts made by the Governor of the State of Alabama for the sale of the Alabama and Chattanooga Railroad, its appurtenances and franchises, and of the lands and telegraph lines of the said railroad company to the New Orleans and North-Eastern Railroad company,

And it was made the special order for that hour.

With leave, Mr. Goodloe introduced the following bills :

Bill to protect the State of Alabama against combinations and conspiracies to impede, hinder, or prevent the enforcement of the laws of this State ;

Which bill was read twice, under suspension of the

constitutional rule, and. referred to a select committee, consisting of Messrs. Goodloe, Cobb and Terrell.

Bill for the relief of the minor heirs of William Mathews, late of Franklin county, deceased ;

Which bill was read. twice, under suspension of the constitutional rule, and. referred, to the committee on the judiciary.

On motion of Mr. Haralson,

Senate adjourned until 9 o'clock to-morrow.

FRIDAY, April 11, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Doreen, Doster, Driesbach, Edwards, Glass, Goodloe, Hamilton, Hewitt, Leftwich, Little, Martin, Miller, Murphy, Royal, Snodgrass, Terrell and Wilson —23.

On motion of Mr. Hamilton,

The reading of the journal was dispensed with.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 11, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, with amendment, Senate bills to be entitled as follows :

In relation to the corporation known as the Mobile Theandric ;

To require the clerk ot the circuit court of Dale county to set the causes upon the State docket of his court, for trial on particular days ;

To amend section 13, 14 and. 15 of an act entitled. An act to to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved. March 1, 1870 ;

For the relief of D. A. Moniac, tax collector of Baldwin county.

And has originated, and passed House bills, to be entitled as follows :

To amend section 2660 of the Revised Code of Alabama ;

To authorize the issuance of county bonds by the court of county commissioners of Russell county ;

To regulate and authorize subscriptions by the county of Madison to the capital stock of railroad, companies ;

To repeal section six of an act passed February 7, 1852, to incorporate the Baptist Female institute, at Moulton, Alabama ;

To preserve order at Hill Chapel camp ground, Montgomery county, Alabama.

ROBERT BARBER,
Clerk of the House.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To require all parties holding claims against the counties of DeKalb and Blount to have them re-registered within twelve months from the passage of this act ;

For the relief of the estate of William. Rouse, late of Mobile county, deceased ;

To establish a new election precinct in the county of Mobile ;

To declare Burnt Corn creek, Little Escambia creek, Sepulga river and Conecuh river, in the counties of Conecuh and Escambia, public highways for all purposes of floating timber, lumber and logs upon their waters ;

To amend section 1 of An act to regulate the enclosure of stock in a portion of the county of Greene, therein described, approved. February 14, 1872 ;

To authorize and empower John W. Leslie, probate judge of Monroe county, to exercise jurisdiction over the estate of J. H. Liddell, deceased, notwithstanding his relationship to the deceased ;

To authorize and empower the commissioners court of Monroe county to allow the State witnesses in the case of The State vs. George P. Hammond and Anthony Bryant, their fees as such witnesses ;

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, or other intoxicating beverages, within three miles of Pleasant Hill church, (Methodist,) in Jefferson county, and within one and one-half miles of the academy at Wesobulga, in Clay county ;

To authorize Martin G. Slaughter to sell the lands belonging to the estate of Joseph McConathy, deceased, at private sale;

For the relief of N. S. Davenport and David H. Spring, administrators of Rodolphus R. Davenport, deceased, and James Long, administrator of Alford Long, deceased ;

Supplemental to an act approved March 5, 1873, entitled An act to provide for the support of the Freedman's hospital, located near the city of Talladega ;

To define and punish the crime of burglary in railroad cars ;

To legalize the special tax levied by the county commissioners of Clarke county, on the third Monday of August, 1873 ;

To pay the debt of the county of Sumter, according to registration ;

To amend An act to authorize and empower John Quinn, of Muscogee county, Georgia, to administer upon the estate of James Torry, in Russell county, Alabama ;

To regulate and authorize subscriptions by the county of Madison to the capital stock of railroad companies;

Were severally read three times, forthwith, under suspension of the constitutional rule, and passed.

House bills—

To amend section twenty-five hundred and ninety-six (2596) of the Revised Code of Alabama ;

To amend section 3733 of the Revised Code ;

To amend section seven hundred and seven of the Revised Code of Alabama;

To authorize the administrators of the estates of Thomas Goodwill and John Goodwill, deceased, to settle the partnership transactions in lands of their estates, and to sell said lands at private sale ;

To authorize and empower John H. Blacklidge, administrator of the estate of Salem W. Blacklidge, deceased, to sell certain lands therein described at private sale ;

To require common carriers to furnish the consignee with the name of the consignor for whom they may transport produce or other goods ;

In relation to the chancery district of Walker county;

To amend sections 3697, 3698, 3699 and 3700 of the Revised Code of Alabama;

To define the right of the father to the custody of his child or children when he is abandoned by the mother, to whom he is legally married ;

To regulate the trial of criminal cases in the Circuit court of Dallas county ;

Were severally read. twice, under suspension of the constitutional rule, and referred, to the committee on the judiciary.

House bills—

To relieve from the disabilities of non-age the persons therein named;

To make certain persons therein named free dealers ;

To authorize and empower Adel Wilson, a minor, to sell and make title to certain lands therein described ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

House bill—

To regulate the publication of legal notices in the county of Crenshaw ;

Was read twice, under suspension of the constitutional rule ;

Mr. Harris moved to amend, by adding "Russell county ;"

Bill and amendment were referred, to the committee on the judiciary.

House bill—

To amend section one of An act to provide for the collection and distribution of fines and forfeitures in the county of Clay and Coosa, approved December 11, 1871;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Title of bill was amended by adding, "so as to include the county of Clarke."

House bill—

To amend section four thousand and sixty-seven (4067) of the Revised Code of Alabama,

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Title of bill was amended by adding, "so far as relates to Marion county."

House bill—

To confer equity jurisdiction upon the circuit court of the third judicial circuit of the State of Alabama,

Was read twice, under suspension of the constitutional rule ;

Mr. Doster moved to amend, by inserting the county of Baker, in the second judicial circuit ;

Bill and amendment were referred to committee on the revision of the laws.

House bill—

To repeal An act of the Board of Education, approved 14th December, 1872,

Was read twice, tinder suspension of the constitutional rule, and referred to the committee on education.

House bill—

To authorize Sarah J. Davidson, administratrix of the estate of James M. Davidson, sr., deceased, late of Monroe county, and Richard M. Johnson, administrator of the estate of A. W. Jones, deceased, late of Montgomery county, to sell the lands of said estates at private sale ;

Was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Driesbach, Harris and Cunningham.

House bill—

To regulate the fees of notaries public and justices of the peace for Talladega, Perry, Washington, Marengo, Greene, Elmore, Pike and Hale counties, and to provide for the payment of the same in certain cases,

Was read twice, under suspension of the constitutional rule, and referred to select committee, consisting of Messrs. Cunningham, Curtis, Wilton, Dereen, Leftwich, Doster, Parks and Duskin.

House bill—

To amend section 2376 of the Revised Code,

Was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Hamilton, Miller, Cobb, Little and Jones.

House bill—

For the relief of the estate of Wm. J. Gilmore, deceased, late superintendent of education, of Choctaw county, and the sureties on his official bond,

Was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Dereen, Doster and Coleman.

House bill—

To revise and complete the geological and agricultural survey of the State of Alabama,

Was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Cobb, Murphy and Coleman.

House bill—

To repeal an act to be entitled An act to provide for the the introduction of Brown's First Lines in Grammar and Brown's Institutes of Grammar into the free public schools of the State,

Was read twice, under suspension of the constitutional rule ;

Mr. Martin moved to refer bill to the committee on education ;

Which motion was lost ;

Ayes 8, noes 12.

Ayes—Messrs. Black, Curtis, Driesbach, Haralson, Martin, Miller, Pennington and Wilson—8.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Edwards, Harris, Leftwich, Little, Murphy, Snodgrass and Terrell—13.

On motion of Mr. Martin,

Bill was then referred to select committee, consisting of Messrs. Terrell, Murphy and Coleman.

With leave, Mr. Little introduced bill—

To make the amount allowed to the sheriff of Choctaw county, for ex-officio services, a preferred claim against the county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT

Montgomery, April 11, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 10th instant he approved and signed the following bill, originating in the Senate :

An act authorizing the city council of Montgomery to condemn and purchase real estate, as therein provided.

Respectfully,

C. J. ATKINSON,

Recording Secretary.

Mr. Black, from select committee, reported substitute for Senate bill—

To prohibit the granting of license to vend, at wholesale or retail, vinous or spirituous liquors outside of any city or incorporated town in this State, and within two miles of any manufacturing establishment ;

The report was concurred in ;

Mr. Snodgrass moved to amend as follows :

Provided, That all the provisions of this act shall not apply to the counties of Jackson, DeKalb and Marshall ;

Mr. Pennington moved to amend, the amendment as follows:

Provided, further, That the provisions of this act shall not apply to the counties of Lee, Tallapoosa, Coosa and Lowndes ;

On motion of Mr. Dereen,

Bill and amendments were re-committed to the select committee.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being a report from a select committee.

Mr. Hewitt, from select committee, reported favorably, with amendments, to House bill—

To ratify and confirm certain contracts made by the Governor of the State of Alabama for the sale of the Alabama and Chattanooga Railroad, its appurtenances and franchises, and of the lands and telegraph lines of said railroad company, to the New Orleans and North-Eastern Railroad company.

The amendments are as follows :

Amend fourth line of third section by inserting, after the word "company," " or in any other way, establish the rights to the same."

Add to the last section, " and that in case of the failure of the purchaser or his agents promptly to perform each and every stipulation made by such purchaser for the acquisition of the interest, rights and property so intended to be conveyed by the State, said contract, and all rights thereunder acquired, and all payments heretofore made, shall, at the discretion of the Governor, be forfeited to the State ; and upon such failure as herein stated, the Governor of this State may forthwith, by the sheriffs of the several counties in this State in which said property lies and is situated, or may be found, or by an agent or agents by him thereto authorized and empowered, according to his good judgment, take possession of all of said property, and use, manage and employ the same, by a competent receiver by him to be appointed for the purpose, and may proceed by proper steps to obtain possession of the property without this State for the purpose aforesaid.

Add to the fourth section: The true intent and meaning of this act being, that the State of Alabama conveys to said purchaser the property, rights, privileges and franchises in the said four contracts described, as modified

by this act, and in consideration thereof the said purchaser promises and covenants with the State that said purchaser and assignees will punctually pay to the State at the time therein named, the said sum of two hundred and thirty-five thousand dollars in cash, and will punctually pay and retire all the coupons for interest upon the bonds named in said contract, which mature on the first of July next hereafter, and for which payment said purchaser shall within — days after the passage of this act give personal security, satisfactory to the Governor, and thereafter as the same mature shall pay and extinguish all other interest coupons upon the 4720 bonds endorsed by the State, and the 1500, or other number, of straight bonds mentioned in said contracts to be paid by the purchaser, and upon such payment or extinguishment of said coupons, shall file them with the Auditor of the State, and will pay all the certificates for the raising of money and interest thereon that may or shall have been issued by the receivers of said railroad property, under the order and decree of the circuit court of the United States for the fifth judicial circuit, in the case referred to in said contract, or one of them herein mentioned, in pursuance of said order and decree, and which shall be approved by said court, which may or shall have been issued by said receivers prior to said purchaser obtaining possession of the said railroad property under said contracts with the State, and hereby ratified ; and will fully and in all respects indemnify the State of Alabama, and save it harmless against all claims of every kind by the State of Georgia, upon any part of said railroad, and if any such claim be established by the said State, will pay off or otherwise satisfy and extinguish the same, and will at the maturity thereof, or before, punctually payoff and extinguish all the bonds, whether straight or endorsed by the State, which are mentioned in said contracts, and assumed to be paid by said purchaser, and so save the State harmless against payment or loss therefrom ; and these stipulations, promises and covenants required of the purchaser under this act shall be in the nature of covenants running with the land and attendant on the franchises conveyed by this State, and shall bind each and every person, party or corporation claiming title or rights under said purchaser.

SEC. 6. Be it further enacted, That in case this purchaser fails to perform his contract, and the rights and property thereby agreed to be conveyed revert to the State, the Governor is hereby authorized and empowered

to sell and convey said rights and property to any other responsible party upon the terms, considerations and securities hereby and herein described and mentioned.

The report was concurred in, and amendments adopted.

Mr. Pennington offered the following amendment :

Provided, That the said New Orleans and North-Eastern Railroad company shall comply with the conditions of the said contract within sixty days from the passage of this act, or failing to do so within that time, the State shall be released from all obligations to comply with the conditions of the same, and the State shall be at liberty to sell the road and its appurtenances to any other party or parties on the same conditions stipulated in the proposed contract between the Governor of the State and the said New Orleans and North-Eastern Railroad company ;

On motion of Mr. Cobb,

The amendment was laid on the table ;

Ayes 15, noes 8.

Ayes—Messrs. Cobb, Doster, Driesbach, Glass, Goodloe, Hamilton, Haralson, Harris, Hewitt, Little, Martin, Murphy, Royal, Terrell and Wilson—15.

Noes— Messrs. Coleman, Cooper, Dereen, Edwards, Leftwich, Parks, Pennington and Snodgrass—8.

Mr. Pennington moved to fill blank in bill by inserting " thirty ;"

Mr. Hewitt moved to insert the following :

" Such reasonable time after the passage of this act as the Governor may prescribe ; "

The question being taken on Mr. Hewitt' s motion,

It was carried.

Bill thus amended, was read a third time, under suspension of the constitutional rule ;

Bill was then passed ;

Ayes 23, noes 4.

Ayes—Messrs. Black, Cobb, Coleman, Cunningham, Curtis, Doster, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Miller, Murphy, Parks, Royal, Snodgrass, Terrell and Wilson —23.

Noes— Messrs. Cooper, Dereen, Martin and Pennington—4.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to amend section 2562 of the Revised Code of Alabama ;

A bill to prohibit the sale of vinous or spirituous liquors within two miles of the foundry, workshops and coaling grounds of the Woodstock Iron company in Calhoun county ;

On motion of Mr. Coleman,

Senate adjourned until 9 o'clock, to-morrow.

SATURDAY, April 12, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names:

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Goodloe, Hamilton, Harris, Hewitt, Jones, Leftwich, Martin, Parks, Snodgrass and Terrell —18.

Journal of Thursday and yesterday was read and approved.

Leave of absence for four days was granted Mr. Glass.

Leave of absence for one day was granted Mr. Royal.

SELECT COMMITTEE.

Mr. Cobb, from select committee, reported substitute for Senate bill—

To amend section 1 of an act entitled An act to incorporate the city of Birmingham, in Jefferson county, approved December 19, 1871;

Substitute to be entitled—

Bill for the relief of Joab Bagley, William A. Walker and James M. Ware.

The report was concurred in, and substitute adopted ;

Bill was read a third time, under suspension of the constitutional rule ;

Bill was then passed ;

Ayes 9, noes 8.

Ayes — Messrs Black, Cobb, Edwards, Hamilton, Leftwich, Little, Martin, Miller and Parks—9.

Noes —Messrs. Cunningham, Curtis, Dereen, Doster, Harris, Hewitt, Murphy and Wilson—8.

On motion of Mr. Cooper,

House bill—

To supply the county of Calhoun with a tract book,

Was taken from the table ;

Bill was read a third time, under suspension of the constitutional rule, and passed.

Mr. Doster, from select committee, reported favorably to House bill—

To authorize Sarah J. Davidson, administratrix of the estate of James M. Davidson, senior, deceased, late of Monroe county, and Richard M. Johnson, administrator of the estate of A. W. Jones, deceased, late of Montgomery county, to sell the land of said estates at private sale ;

The report was concurred in ;

Mr. Wilson offered the following amendment, which was adopted :

Amend so as to allow Richard M. Johnson to sell the personal property of the estate of A. W. Jones at private sale, said sale of personal property to be approved by the probate judge of Elmore county ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

ENROLLED BILLS,

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act for the relief of D. A. Moniac, tax collector of Baldwin county ;

An act in relation to the corporation known as the Mobile Theandric ;

An act to require the clerk of the circuit court of Dale county to set the causes upon the State docket for trial on particular days ;

An act to amend sections 13, 14 and 15 of an act entitled An act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1,1870.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 12, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendments, in which the concurrence of the Senate is requested, Senate bill, to be entitled as follows :

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State.

ROBERT BARBER,
Clerk of the House.

Mr. Cobb called up Senate bill—
For the protection of agriculture ;
Bill was read a third time ;
Mr. Haralson moved to refer bill to a select committee of three ;
Which motion was lost ;
Mr. Haralson moved to indefinitely postpone bill ;
Which motion was lost ;
Ayes 11, noes 12.
Ayes —Messrs Black, Curtis, Dereen, Haralson, Jones, Miller, Murphy, Pennington, Snodgrass, Terrell and Witson—11.
Noes — Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Hamilton, Harris, Hewitt, Little and Parks—12.
Mr. Black moved to postpone the further consideration of bill until 12 o'clock Monday next, and make it special order for that hour ;
On motion of Mr. Coleman,
The motion was laid on the table ;
Ayes 14, noes 9.
Ayes —Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Hamilton, Harris, Hewitt, Little, Martin, Parks and Snodgrass —14.
Noes —Messrs. Black, Curtis, Dereen, Haralson, Jones, Miller, Pennington, Terrell and Wilson—9.
Mr. Haralson moved to postpone the further consideration of bill until Tuesday next, at 12 o'clock, and make it the special order for that hour, and that fifty copies be printed ;
On motion of Mr. Coleman,
The motion was laid on the table.
Ayes 14, noes 8.
Ayes —Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Hamilton, Harris, Hewitt, Little, Martin, Parks and Snodgrass—14.
Noes —Messrs. Black, Curtis, Haralson, Jones, Miller, Pennington, Terrell and Wilson—8.
Mr. Black moved to refer the bill to the committee on revision of the laws :

Mr. Cooper, in the chair, decided that the motion was in order, it being a different motion to the one referred to a select committee ;

Mr. Doster appealed from that decision,

And the question being,

" Shall the decision of the chair be sustained ? "

The chair was not sustained ;

Ayes 9, noes 12.

Ayes —Messrs. Black, Curtis, Dereen, Haralson, Jones, Martin, Pennington, Terrell and Wilson—9.

Noes — Messrs. Cobb, Coleman, Cunningham, Poster, Driesbach, Edwards, Goodloe, Harris, Hewitt, Little, Parks and Snodgrass—12.

Mr. Jones moved to lay bill on the table ;

Which motion was lost ;

Ayes 10, noes 15.

Ayes — Messrs. Black, Curtis, Haralson, Jones, Miller, Murphy, Pennington, Snodgrass, Terrell and Wilson —10.

Noes — Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Little, Martin and Parks—15.

Bill was then passed ;

Ayes 15, noes 11.

Ayes —Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Goodloe, Hamilton, Harris, Hewitt, Leftwich, Little, Martin and Parks—15.

Noes — Messrs. Black, Curtis, Dereen, Haralson, Jones, Miller, Murphy, Pennington, Snodgrass, Terrell and Wilson—11.

BILLS INTRODUCED.

The following bills were introduced :

By Mr. Hamilton—

To amend section 4212 of the Revised Code of Alabama ;

By Mr. Pennington—

To create a lien in favor of railroad contractors ;

By Mr. Black—

To secure justices of the peace and notaries public in their fees in certain cases ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Cobb—

To furnish the Governor of the State with copies and certified transcipts of records of the State department ;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Cobb, Goodloe and Hamilton.

By Mr. Martin—

For the relief of James Middleton, late county superintendent of Fayette county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Goodloe called up Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State,

The question being on concurring in the amendments of the House bill,

The first, second, third and fourth amendments were concurred in ;

Mr. Parks moved to refer bill and amendments to a select committee of five ;

Which motion was lost.

The fifth and sixth amendments were then concurred. in ;

On motion of Mr. Goodloe,

Bill and amendments were referred to a select committee, consisting of Messrs. Goodloe, Hamilton, Little, Cooper and Parks, with instructions to report thereto at 12 o'clock Monday next, and it was made the special order for that hour.

Mr. Cobb, from select committee, reported favorably to House bill—

To revise and complete the geological and agricultural survey of the State of Alabama ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Pennington called up House bill—

To relieve Susan P. Griffin and Letitia H. Griffin, of Lee county, from the disabilities non-age ;

Bill was read a third time, under suspension of the constitutional rule, and passed.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

Noes—Messrs. Coleman, Cooper, Dereen, Driesbach, Edwards, Goodloe, Haralson, Little, Martin, Parks and Snodgrass—11.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 14, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested, Senate bills to be entitled as follows:

For the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama ;

To amend section 1389 of the Revised Code of Alabama.

And, without amendment, Senate bills to be entitled as follows :

To authorize D. A. Hendrix, county treasurer of Blount county, to keep his office two miles and a half from the town of Blountsville, the county site of said county ;

To provide for substitution of records destroyed or lost by accident.

To authorize the Governor to settle with the Montgomery and Eufaula Railroad company ;

And has concurred in Senate amendment to House bill—

To ratify and confirm certain contracts made by the Governor of the State of Alabama, for the sale of the Alabama and Chattanooga Railroad, and its appurtenances and franchises, and of the lands and telegraph lines of said railroad company, to the New Orleans and North-Eastern Railroad company.

And has originated and passed House bills, entitled as follows:

To amend and revise an act entitled An act to incorporate the Tuskaloosa Savings association, approved February 15, 1867 ;

To protect the owners of stock on the line of railroads in this State ;

And ordered the same forthwith to the Senate, without engrossment.

ROBERT BARBER,
Clerk of the House.

SECOND SPECIAL ORDER

On motion of Mr. Goodloe, the select committee to which was referred. Senate bill—

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State,

Was granted until ten o'clock to-morrow to make a report thereto, and it was made the special order for that hour ;

On motion of Mr. Martin,

Mr. Hamilton was excused from serving on said committee on account of sickness, and Mr. President was authorized to appoint another Senator in his place, if deemed necessary.

SELECT COMMITTEE.

Mr. Duskin, from select committee, reported favorably, with amendment, to Senate bill—

To prohibit the sale of vinous, spirituous or malt liquors within two miles of the corporate limits of the city of Tuskaloosa and the University of Alabama ;

The report was concurred in, and amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Cunningham, from select committee, reported favorably to House bill—

To regulate the fees of notaries public and justices of the peace for the counties of Talladega, Perry, Washington, Marengo, Greene, Elmore, Pike and Hale, and to provide for the payment of the same in certain cases ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Black, from select committee, reported favorably, with amendment, to Senate bill—

To prohibit the granting of license to vend at wholesale or retail vinous or spirituous liquors outside of any city or incorporated town in this State, and within two miles of any manufacturing establishment ;

The report was concurred in, and amendment adopted.

Mr. Cooper offered a substitute for t he bill, to by entitled bill—

To prohibit the retail of vinous or spirituous liquors, except in cases of medical prescription, within two miles of the Germania Manufacturing establishment, in Calhoun county ;

The substitute was adopted, and bill, thus amended was read a third time, under suspension of the constitutional rule, and passed.

Mr. Cobb, from select committee, reported substitute for Senate bill—

To furnish the Governor of the State with copies and certified transcripts of records of the State Department ;

The report was concurred in, and substitute adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed ;

Ayes 16, noes 3.

Ayes —Messrs. Cobb, Cooper, Curtis, Doster, Driesbach, Duskin, Edwards, Goodloe, Haralson, Hewitt, Little, Martin, Murphy, Pennington, Royal and Wilson—16.

Noes —Messrs. Black, Snodgrass and Terrell—3.

MESSAGE FROM THE GOVERNOR.

STATE or ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 14, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 12th instant he approved and signed the following bills, originating in the Senate :

An act in relation to the corporation known as the Mobile Theandric ;

An act to require the clerk of the circuit court of Dale county to set causes upon the State docket of his court for trial on particular days ;

An act to amend sections 13, 14 and 15 of an act entitled An act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1st, 1870 ;

An act for the relief of D. A. Moniac, tax collector of Baldwin county.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

ENGROSSED BILLS.

Mr. Dereen, from committee on engrossed bills, reported as correctly engrossed—

A bill for the relief of Harry H. Moseley, late sheriff of Perry county ;

A bill to prohibit the sale of vinous, spirituous or malt liquors within two miles of the corporate limits of the city of Tuskaloosa, and. the University of Alabama ;

A bill to authorize the commissioners court of Limestone county to furnish fuel for the offices of the county officers.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act to authorize the Governor to settle with the Montgomery and Eufaula Railroad company ;

An act to authorize D. A. Hendrix, county treasurer of Blount county, to keep his office two and a half miles from the town of Blountsville, the county site of said county.

BILLS INTRODUCED.

With leave, Mr. Coleman introduced bill—

To authorize the commissioners court of Limestone county to furnish fuel for the offices of the county officers ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

SELECT COMMITTEE.

Mr. Terrell, from select committee, reported, adversely to House bill—

To repeal An act, passed by the Board of Education, to provide for the introduction of "Brown's First Lines in Grammar" and " Brown's Institutes of Grammar," into the free public schools of the State ;

The adverse report was not concurred in ;

Mr. Black moved to indefinitely postpone bill ;

On motion of Mr. Coleman,

The motion was laid on the table ;

Ayes 15, noes 6.

Ayes—Messrs. Black, Cobb, Coleman, Doster, Driesbach, Duskin, Edwards, Goodloe, Haralson, Harris, Leftwich, Little, Parks, Royal and Snodgrass—15.

Noes—Messrs. Cooper, Curtis, Martin, Murphy, Terrell and Wilson—6.

Mr. Martin moved to adjourn,

Which motion was lost ;

Ayes 7, noes 13.

Ayes—Messrs. Curtis, Harris, Martin, Murphy, Royal, Terrell and Wilson—7.

Noes—Messrs. Black, Cobb, Coleman, Cooper, Doster, Driesbach, Duskin, Edwards, Goodloe, Haralson, Little, Parks and Snodgrass—13.

Mr. Parks moved to suspend the constitutional rule, so as to give the bill a third reading forthwith ;

Mr. Martin moved to lay the motion on the table ;

Which motion was lost ;

Ayes 6, noes 15.

Ayes—Messrs. Cooper, Curtis, Martin, Murphy, Terrell and Wilson—6.

Noes—Messrs. Black, Cobb, Coleman, Doster, Driesbach, Duskin, Edwards, Goodloe, Haralson, Harris, Leftwich, Little, Parks, Royal and Snodgrass—15.

Mr. Martin moved to adjourn ;

Which motion was lost ;

Ayes 8, noes 12.

Ayes—Messrs. Cooper, Curtis, Harris, Martin, Murphy, Royal, Terrell and Wilson—8.

Noes—Messrs. Black, Cobb, Coleman, Doster, Driesbach, Edwards, Goodloe, Haralson, Leftwich, Little, Parks and Snodgrass—12.

Mr. Martin moved to lay bill on the table ;

Which motion was lost ;

Mr. Parks moved to order the bill to a third reading at 11 o'clock to-morrow, and make it the special order for that hour ;

Pending the consideration of which,

On motion of Mr. Little,

Senate adjourned, until 9 o'clock to-morrow.

TUESDAY, April 15, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. McCoy, of the House.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Good-

loe, Haralson, Harris, Jones, Leftwwich, Little, Martin, Miller, Royal, Snodgrass, Terrell, Walton and Wilson—24.

Journal of yesterday was read and approved.

Mr, Coleman moved to suspend the order of business so as to offer resolutions relative to adjournment ;

Which motion was carried ;

Ayes 19, noes 3.

Ayes—Messrs. Cobb, Coleman, Cooper, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Harris, Jones, Leftwich, Little, Martin, Miller, Royal, Snodgrass, Terrell and Walton—19.

Noes—Messrs. Cunningham, Haralson and Wilson—3.

Mr. Coleman offered the following

RESOLUTION.

WHEREAS, The General Assembly of Alabama has now been in session for a long time, at a great expense to the State; and

WHEREAS, Several resolutions fixing a day for adjournment have been passed by the Seriate, and sent to the House, and the House has refused to concur in the times fixed by the Senate ; and

WHEREAS, There is a "disagreement between the two Houses, in respect to the time of adjournment ;" therefore—

Resolved, That a committee of three from the Senate be appointed to see the Governor, and inform him officially of this " disagreement between the two Houses in respect to adjournment," and request him to exercise the power conferred on him by article five, section nine, of the Constitution, and to adjourn the General Assembly to such time as he may think proper.

Mr. Haralson offered the following amendment :

Strike out all of the resolution except " resolved," and insert the following : " By the Senate (the House of Representatives concurring), That a committee of two on the part of the Senate, and — on the part of the House, do meet as a committee of conference between the two Houses, for the purpose of fixing and reporting back to the Senate and House a day for an adjournment of the present session of the General Assembly ;

On motion of Mr. Coleman,

The amendment was laid on the table ;

On motion of Mr. Dereen,

The third clause of the preamble was stricken out ;

On motion of Mr. Dereen,

The words, " This disagreement between the two Houses in respect to the time of adjournment," in the resolution, were stricken out, and the words, " the above facts," inserted in lieu thereof ;

The resolution, thus amended, was then adopted ;

Ayes 20, noes 4.

Ayes—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Goodloe, Harris, Jones, Leftwich, Little, Martin, Miller, Snodgrass, Terrell and Walton—20.

Noes—Messrs. Haralson, Parks, Royal and Wilson—4.

Mr. Cobb called up Senate bill—

For the encouragement of mining, manufacturing, industrial and commercial pursuits within the State of Alabama ;

The question being on concurring in the House bill,

Mr. Cobb offered the following amendment to the amendment,

Which was adopted :

Amend the amendment by adding the following :

And all in the third section between the word "obtained" in the sixth line, and " and " in the twelfth line ; also, between the word "certificate," in the twelfth line, and "is" in the thirteenth line ; also, between the word "aforesaid," in the thirteenth line, and "at" in the seventeenth line ; also, between the word "certificate," in the twentieth line and "may" in the twenty-first line ; also, strike out all of said section third, after the word "assessment," in the twenty-first line ;

House amendment, thus amended, was concurred in

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

April 15, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills, to be entitled as follows;

For the relief of John A. Perkins, of Tuskaloosa county ;

To authorize the commissioners court of Blount county to levy a special tax to build a jail ;

For the relief of William B. Green, late tax collector of Madison county, in relation to the lists of insolvencies and errors of assessment of taxes for said county, for the year 1870 ;

To require tax collectors to collect uncollected taxes which have been paid to the State or county by their predecessors in office ;

To authorize the Governor to issue a patent to J. F. McDuff, of Tuskaloosa county, for certain lands therein named.

And has concurred in Senate amendments to the House bill—

To repeal section 1374, in article one, of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell and Madison ;

And has originated and passed bills, in which concurrence of the Senate is requested—

To appoint counsel to defend pauper criminals in Mobile county ;

In relation to the claims of the attorneys employed by Governor Lindsay in the matter of Alabama and Chattanooga Railroad ;

To amend sections 3101, 3103 and 3104 of the Revised Code of Alabama, and to repeal the same.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
April 15, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendment, Senate bill, to be entitled :

An act to authorize railroad companies chartered by this State to lease their roads.

ROBERT BARBER,
Clerk of the House.

SPECIAL ORDER.

At 10 o'clock, the special order set for that hour came up, it being a report from a select committee.

Mr. Goodloe, from select committee, reported favorably to House amendments to Senate bill—

To provide for the substitution of the State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies in this State.

Mr. Little, from said committee, submitted the following

MINORITY REPORT.

Mr. President :

The undersigned respectfully dissents from the majority of the committee as to the proviso to the seventh House amendment :

Because the bill itself purports to be for the relief of the State, so as to reduce the State's indebtedness on account of endorsements to railroads, and the bill provides in what manner "any" railroad may avail itself of the provisions of the bill.

The Savannah and Memphis Railroad has received State endorsements amounting to the sum of..$640,000.
Under the provisions of this bill, upon a surrender of the $640,000, it will be entitled to
new straight bonds to the amount of..... 160,000.

Thereby rendering the State's indebtedness,
in the way of endorsements, the sum of... $480,000.

If the proviso to the House amendment is concurred in, and the road refuses to accept its provisions, and go by the city of Talladega, then the indebtedness of the State, on account of its endorsements to this road, is not reduced, and the object of the bill is defeated, so far as this road is concerned. The good results to the State are lost sight of, and the benefits to the city of Talladega is the special object of the proviso.

The bill being general in its purposes, he cannot see any reason in discriminating against this road for the benefit of any particular place, at the expense of the State.

While he would be glad to see the road go by Talladega, gratify her citizens, and build up the city, he cannot ignore the fact that the road has vested and corporate rights under its charter, and the citizens along its marked line have some claims that entitle them to the consideration of the Senate ; and he would deem it a wrong and a hardship to the road to deprive it of the benefits of the provisions of this bill, if it choose to adhere to its original charter.

He therefore recommends the seventh House amendment be amended by striking out the proviso thereto.

W. G. LITTLE, Jr.

On motion of Mr. Terrell,

The minority report was concurred in, and the proviso to the seventh House amendment, being the eleventh section of bill, as amended, was stricken out ;

Ayes 14, noes 13.

Ayes—Messrs. Cobb, Coleman, Curtis, Dereen, Doster, Driesbach, Harris, Hewitt, Little, Martin, Miller, Pennington, Snodgrass and Terrell—14.

Noes—Messrs. Cooper, Cunningham, Edwards, Glass, Goodloe, Haralson, Jones, Leftwich, Murphy, Parks, Royal, Walton and Wilson—13.

The amendment thus amended was then concurred in ;

Ayes 15, noes 9.

Ayes—Messrs. Cobb, Coleman, Curtis, Dereen, Doster, Driesbach, Harris, Hewitt, Little, Martin, Miller, Pennington, Snodgrass, Terrell and Wilson—16.

Noes— Messrs. Cooper, Cunningham, Goodloe, Haralson, Jones, Leftwich, Parks, Royal and Walton—9.

Eighth House amendment was concurred in ;

Ninth House amendment was then concurred in ;

Ayes 23, noes none.

Ayes—Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Goodloe, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Royal, Snodgrass, Terrell and Wilson—23.

Noes—None.

On motion of Mr. Pennington,

Bill was ordered forthwith to the House.

Mr. Pennington called up Senate bill—

To authorize railroad companies chartered by this State to lease their roads ;

The question being on House amendment to bill,

It was concurred in.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to furnish the Governor of this State with copies and certified transcripts of records of the State department ;

A bill to prohibit the retail of vinous or spirituous

liquors, except in cases of medical prescription, within two miles of the Germania manufacturing establishment, in Calhoun county.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, April 15, 1873.

Mr. President :

I am directed by the Governor to inform the Senate, that he has this day approved and signed the following bills, originating in the Senate :

An act to authorize D. A. Hendrix, county treasurer of Blount county, to keep his office two miles and a half from the town of Blountsville, the county site of said county ;

An act to provide for substitution of records destroyed or lost by accident ;

An act to authorize the Governor to settle with the Montgomery and Eufaula Railroad company.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act to provide for the substitution of records destroyed or lost by accident ;

An act for the relief of John A. Perkins, of Tuskaloosa county ;

An act to authorize the Governor to issue a patent to J. F. McDuff, of Tuskaloosa county, for certain lands therein named ;

An act to authorize the commissioners court of Blount county to levy a special tax to build a jail.

BILLS INTRODUCED.

The following bills were introduced :

By Mr. Goodloe—

To incorporate the town of Wheeler, in Lawrence county ;

By Mr. Jones—

To repeal section nine (9) of an act for the protection of plantations in Lowndes county, Alabama, from the depredations of stock, so far as the incorporated village of Lowndesboro is concerned;

By Mr. Parks—

To authorize Mrs. Mary J. Long, as administratrix of the estate of James B. Long, her deceased husband, to sell the lands belonging to said estate at private sale ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Little—

For the relief of Mrs. Lucinda Bunkley, widow of Gordon Bunkley, deceased, and administratrix of his estate ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Coleman moved to reconsider the vote just taken on passage of bill ;

On motion of Mr. Little,

The motion was laid on the table.

By Mr. Jones—

To confirm the sale of certain lands therein named, made by Anna Whitten to Charles H. Whitten, of Lowndes county, Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

Mr. Walton called up

House bill—

To protect the owners of stock on the line of railroads in this State ;

Which bill was read twice, under supension of the constitutional rule ;

Mr. Haralson offered the following amendment :

Amend by striking out " section master, " and insert, " three disinterested citizens along the line of the railroad, to be notified by the railroad master that certain property has been killed ;"

Bill and amendments were referred to the committee on internal improvements.

Mr. Hewitt called up

House bill—

To amend sections 3101, 3102 and 3104 of the Revised Code of Alabama, and to repeal the same ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Doster called up Senate bill—

To repeal section nine (9) of an act for the protection of plantations in Lowndes county, Alabama, from the depredations of stock, so far as the incorporated village of Lowndesboro is concerned;

By Mr. Parks—

To authorize Mrs. Mary J. Long, as administratrix of the estate of James B. Long, her deceased husband, to sell the lands belonging to said estate at private sale ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Little—

For the relief of Mrs. Lucinda Bunkley, widow of Gordon Bunkley, deceased, and administratrix of his estate ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Coleman moved to reconsider the vote just taken on passage of bill ;

On motion of Mr. Little,

The motion was laid on the table.

By Mr. Jones—

To confirm the sale of certain lands therein named, made by Anna Whitten to Charles H. Whitten, of Lowndes county, Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

Mr. Walton called up

House bill—

To protect the owners of stock on the line of railroads in this State ;

Which bill was read twice, under supension of the constitutional rule ;

Mr. Haralson offered the following amendment :

Amend by striking out " section master, " and insert, " three disinterested citizens along the line of the railroad, to be notified by the railroad master that certain property has been killed ;"

Bill and amendments were referred to the committee on internal improvements.

Mr. Hewitt called up

House bill—

To amend sections 3101, 3102 and 3104 of the Revised Code of Alabama, and to repeal the same ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Doster called up Senate bill—

Were severally read three times, under suspension of the constitutional rule, and passed.

House bill—

To amend and revise an act entitled An act to incorporate the Tuskaloosa Saving's association, approved February 15, 1867;

Was read twice, under suspension of the constitutional rule, and referred to the committee on Federal relations.

House bill—

To authorize the issuance of county bonds by the court of county commissioners of Russell county ;

Was read twice, under suspension of the constitutional rule, and indefinitely postponed.

House bill—

To appoint counsel to defend pauper criminals in Mobile county,

Was read first time, and indefinitely postponed.

House bill—

In relation to all claims of the attorneys employed by Governor Lindsay, in the matter of the Alabama and Chattanooga Railroad,

Was read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of

Messrs. Little, Pennington and Goodloe.

House bill—

To legalize the action of the municipal board of the city of Opelika,

Was taken from the table, and read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Dereen,

General order was further suspended for the purpose of considering Senate bills on second and third reading.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act to authorize railroad companies chartered by this State, to lease their roads ;

An act to require tax collectors to collect uncollected taxes which have been paid to the State or county by their predecessors in office ;

An act for the relief of William B. Green, late tax collector of Madison county, in relation to the list of insolvencies and errors of assessment of taxes for said county for the year 1870.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 16, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To provide the convicts connected with the penitentiary with supplies for the year 1873 ;

And ordered the same to the Senate without engrossment.

ROBERT BARBER,
Clerk of the House.

Mr. Pennington called up House bill—

To provide the convicts connected with the penitentiary with supplies for the year 1873 ;

Bill was read twice, under suspension of the constitutional rule, and referred to the committee on the penitentiary, prisons and punishments.

On motion of Mr. Haralson,

Mr. D osier was added to the committee on the penitentiary, prisons and punishments.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed, bills, reported as correctly engrossed :

A bill to repeal section 9 of an act entitled An act for the protection of plantations in Lowndes county from the depredations of stock, approved December 31, 1868, so far as the incorporated village of Lowndesboro is concerned ;

A bill to authorize Mrs. Mary J. Long, as administratrix of the estate of James B. Long, her deceased husband, to sell the lands belonging to said estate at private sale.

Senate bill—

To amend an act entitled An act to repeal an act entitled an act to authorize the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and an act entitled an act to amend the same, approved October 18, 1868,

Was read a third time, and passed.

Senate bill—

To encourage and aid immigration to the State of Alabama,

Was read a third time ;

Mr. Terrell moved to fill blank in bill with "three thousand ;"

Mr. Black moved to indefinitely postpone bill and amendment ;

Which motion was lost ;

Ayes 8, noes 18.

Ayes—Messrs. Black, Curtis, Edwards, Glass, Haralson, Harris, Jones and Snodgrass—8.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Goodloe, Hewitt, Leftwich, Little, Martin, Murphy, Parks, Pennington, Royal, Walton and Wilson—18.

Mr. Pennington moved to, fill blank with "fifteen hundred;"

Mr. Terrell withdrew his motion to fill blank with "three thousand ;"

Mr. Snodgrass moved to lay the motion on the table ;

Which motion was carried ;

Ayes .17, noes 9.

Ayes— Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Haralson, Jones, Leftwich, Little, Parks, Royal, Snodgrass and Walton—17.

Noes—Messrs. Coleman, Glass, Goodloe, Harris, Hewitt, Martin, Murphy, Pennington and Wilson—9.

Mr. Black moved to postpone the further consideration of bill until 1 o'clock Saturday next, and make it the special order for that hour ;

On motion of Mr. Hewitt,

The motion was laid on the table.

Mr. Coleman moved to fill blank with "one thousand."

Mr. Black moved to fill blank with "ten thousand ;"

The question being first taken on Mr. Black's motion, it was lost ;

The question then being taken on Mr. Coleman's motion,. it was lost ;

Mr. Wilson moved to fill blank with "seven hundred and fifty ;"

Which motion was lost.

Ayes 5, noes 21.

Ayes— Messrs. Coleman, Goodloe, Murphy, Pennington and Wilson—5.

Noes—Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Martin, Parks, Royal, Snodgrass and Walton—21.

Mr. Black moved to lay bill on the table ;

Which motion was lost ;

Ayes 10, noes 16.

Ayes—Messrs. Black, Curtis, Dereen, Edwards, Glass, Haralson, Jones, Leftwich, Snodgrass and Wilson—10.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Goodloe, Harris, Hewitt, Little, Martin, Murphy, Parks, Pennington, Royal and Walton—16.

Mr. Coleman moved to fill blank with " five hundred ;"

Mr. Haralson moved to till blank with "five hundred and fifty ;"

The question being first taken on Mr. Haralson's motion, it was lost ;

The question then being taken on Mr. Coleman's motion, it was lost ;

Ayes 9, noes 16.

Ayes—Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Goodloe, Hewitt, Murphy and Parks—9.

Noes—Messrs. Black, Curtis, Dereen, Doster, Edwards, Glass, Haralson, Harris, Jones, Leftwich, Little, Martin, Royal, Snodgrass, Walton and Wilson—16.

Leave of absence, until Saturday, was granted Mr. Jones.

Mr. Goodloe moved to suspend further consideration of bill to take up Senate bill—

Regulating and fixing the salaries of public officers, and the per diem and mileage of members and officers of the General Assembly of Alabama ;

Pending the consideration of which,

On motion of Mr. Black,

Senate adjourned until 9 o'clock to-morrow.

Ayes 14, noes 11.

Ayes—Messrs. Black, Curtis, Dereen, Edwards, Glass, Harris, Jones, Leftwich, Martin, Parks, Pennington, Royal, Snodgrass and Terrell—14.

Noes—Messrs. Cobb, Coleman, Cooper, Doster, Goodloe, Haralson, Hewitt, Little, Murphy, Walton and Wilson—11.

THURSDAY, April 17, 1873.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. McCoy, of the House.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Haralson, Harris, Hewitt, Leftwich, Little, Martin, Miller, Parks, Royal, Snodgrass and Terrell —21.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On a call of the districts, the following bills were introduced :

By Mr. Coleman—

To protect holders of policies in insurance companies organized and incorporated under the laws of Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee on federal relations.

By Mr. Little—

To authorize any citizen of the State of Alabama to sue the State on claims against the State on account of the Alabama and Chattanooga Railroad ;

Which bill was read twice, under suspension of the constitutional rule;

Mr. Doster moved to indefinitely postpone bill,

Which motion way carried ;

Ayes 17, noes 6.

Ayes—Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Harris, Hewitt, Martin, Miller, Snodgrass and Terrell—17.

Noes—Messrs. Haralson, Parks, Pennington, Royal, Walton and Wilson—6.

By Mr. Pennington—

To provide a general law for the incorporation of societies formed for social and literary purposes ;

Which bill was read twice, under suspension of the constitutional rule;

Mr. Hewitt offered the following amendment :

Provided, That nothing in this act contained shall authorize any game, or the exhibition of any gaming table now prohibited by law, by any society incorporated under the provisions of this act : And provided further,

That all kinds of gambling shall be prohibited by any society incorporated under this act, and any violation of this proviso by any such society shall work a forfeiture of such charter, and all rights and privileges conferred by this act.

On motion of Mr. Martin,

Bill and amendment were referred to a select committee, consisting of Messrs. Hewitt, Cooper and Doster, with leave to report at any time.

By Mr. Coleman—

To change the time of meeting of the General Assembly of Alabama.

By Mr. Cooper—

To regulate the mode, manner and terms of giving notice of sales of land by virtue of any execution, order of sale and decree of a court of chancery ;

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Martin—

To repeal an act to encourage investments of money within this State by life insurance companies of other or foreign States, approved December 19, 1871.

By Mr. Cobb—

To declare Elbert H. Sawyer, of the county of Baker, a citizen of the county of Shelby ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Walton—

To authorize and direct the Auditor to draw his warrant on the Treasurer for two hundred and twenty-three dollars and seventy-five cents, in favor of Joel White, of Montgomery county ;

Which bill was read twice, under suspension of the constitutional rule, and referred to the committee, on finance and taxation.

Mr. Doster, from the committee on the judiciary, reported favorably to House bill—

In relation to chancery district for Walker county ;

The report was concurred in.

Mr. Dereen offered the following amendment,

Which was adopted:

Amend by striking out "9th" in the first section of the bill, and insert in lieu thereof the word “ tenth” (10th) ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Cobb, from select committee, reported favorably to House bill—

To amend, section 2376 of the Revised Code ;

The report was concurred in.

Mr. Little, from select committee, reported favorably to House bill—

In relation to the claims of the attorneys employed by Governor Lindsay in the matter of Alabama and Chattaooga Railroad;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule ;

Bill was then passed ;

Ayes 10, noes 8.

Ayes—Messrs. Cobb, Coleman, Cooper, Doster, Driesbach, Haralson, Little, Parks, Terrell and Wilson—10.

Noes—Messrs. Cunningham, Dereen, Edwards,, Harris, Hewitt, Martin, Miller, and Murphy—8.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, April 17, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that on the 16th instant he approved and signed the following bills, originating in the Senate :

An act for the relief of William B. Greene, late tax collector of Madison county, in relation to the lists of insolvencies and errors of assessments of taxes for said eounty for the year 1870 ;

An act to require tax collectors to collect uncollected taxes which have been paid to the State or county by their predecessors in office ;

An act to authorize railroad companies chartered by this State to lease their roads ;

An act to authorize the commissioners court of Blount eounty to levy a special tax to build a jail;

An act to authorize the Governor to issue a patent to J. T. McDuff, of Tuskaloosa county, for certain lands therein named;

An act for the relief of John A. Perkins, of Tuskaloosa county.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

Mr. Walton gave notice that he would move a reconsideration of the vote by which Senate refused on yesterday to fill blank with " one thousand," in Senate bill-

To encourage and aid immigration to the State of Alabama.

Leave of absence was granted Mr. Little.

Mr. Doster, from the committee on privileges and elections, reported adversely to House bill—

To make certain persons therein named free dealers ;

Pending the consideration of which,

On motion of Mr. Martin,

Mr. Pennington, from committee on internal improvements, reported favorably to House bill—

To amend and revise an act to incorporate the Pickens and Noxubee (Miss.) Railroad company, approved February 2, 1856 ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Dereen gave notice that he would move a reconsideration of the vote taken yesterday by which House bill—

To appoint counsel to defend pauper criminals in Mobile county,

Was indefinitely postponed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 17, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representative has passed, without amendment, Senate bill to be entitled as follows :

To authorize Emily A. Brunson, as administratrix of the estate of John W. Cowart, late of Pike county, deceased, to sell the lands of said decedent's estate at private or public sale, without an order of court ;

To authorize Paul H. Lewis, as administrator of the estate of William P. Brown, deceased, late of Shelby county, to sell the real estate belonging to said estate at private or public sale, without an order of court ;

For the relief of the sureties of William Falconer ;

To amend An act for the relief of William C. McIver, administrator of the estate of Seaborn Jones, deceased, approved February 5, 1873 ;

To authorize the commissioners court of Sumter county to levy a tax not to exceed 50 per cent. on the county tax of said county, to provide a sinking fund to pay the debt of said county ;

For the relief of J. G. Alexander, tax collector of Colbert county ;

To enlarge the board of equalization of the county of Perry ;

To amend section 2523 of the Revised Code ;

To repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed ;

And has passed, with amendment, Senate bills—

To require the clerk and register of the court of law and equity of Lawrence county, to file, register and certify liens and mortgages in certain cases, and for other purposes ;

To make the fees of the late sheriff of Dallas county payable out of the general fund of said county.

ROBERT BARBER,
Clerk of the House.

Senate bill—

To encourage and aid immigration to the State of Alabama,

Was taken up ;

On motion of Mr. Coleman,

Bill was referred to a select committee, consisting of Messrs. Coleman, Cooper and Wilson, with leave to report at any time.

Mr. Goodloe, from committee on finance and taxation, reported favorably to Senate bill—

To amend an act to encourage Investments of money within this State by life insurance companies of other or foreign States ;

The report was not concurred in ;

Ayes 6, noes 14.

Ayes—Messrs. Doster, Martin, Miller, Murphy, Walton and Wilson—6.

Noes— Messrs. Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Haralson, Harris, Hewitt, Leftwich, Pennington, Royal and Terrell —14.

On motion of Mr. Haralson,

Bill was indefinitely postponed.

Mr. Pennington, from the committee on internal improvements, reported favorably, with amendment, to Senate bill—

To promote the manufacture of rails, and other manufactures for railway purposes, within the State of Alabama ;

The report was concurred, in, and. amendment adopted. Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to amend an act entitled An act to repeal an act entitled an act to regulate the publication of legal notices in the State of Alabama, approved August 12th, 1868 and an act entitled an act to amend the same. approved October 18th, 1868.

RECONSIDERATION.

On motion of Mr. Terrell,

The vote by which Senate passed House bill—

In relation to the claims of the attorneys employed by Governor Lindsay in the matter of Alabama and Chattanooga Railroad,

Was reconsidered ;

The vote by which bill was ordered to a third reading,

Was then reconsidered ;

Bill was recommitted to a select committee, consisting of Messrs. Cobb, Hewitt, Terrell, Pennington and Cooper, with leave to report at any time.

Mr. Wilson, from the committee on penitentiary, prisons and punishments, reported favorably to House bill—

To provide the convicts connected with the penitentiary with supplies for the year 1873 ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Senate concurred in House amendment to Senate bill—

To make the fees of the late sheriff of Dallas county payable out of the general fund of said county.

On motion of Mr. Martin,

Senate adjourned until 9 o'clock to-morrow.

FRIDAY, April 18, 1873.

The Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered to their names :

Messrs. Cobb, Coleman, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Haralson, Harris, Hewitt, Leftwich, Martin, Murphy, Parks, Robinson, Royal and Terrell—20.

Journal of yesterday was read and approved.

Senate bill—

To require the clerk and register of the court of law and equity of Lawrence county to file, register and certify liens and mortgages in certain cases, and for other purposes,

Was referred to a select committee, consisting of Messrs. Cooper, Cobb and Hewitt.

Mr. Hewitt, from select committee, reported favorably, with amendment, to Senate bill—

To provide a general law for the incorporation of societies formed for social and literary purposes.

The report was concurred in.

Mr. Coleman offered the following substitute for the amendment,

Which was accepted :

Provided, further, That if any society incorporated under this act shall permit any games to be played for wager, such society shall at once forfeit its charter, and cease to be a body corporate as herein before provided ;

The amendment, thus amended, was adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act to authorize Emily A. Brunson, as administratrix of the estate of John W. Cowart, late of Pike county, deceased, to sell the lands of said decedent's estate at private or public sale, without an order of court ;

An act to amend An act for the relief of William C. McIver, administrator of the estate of Seaborn Jones, deceased, approved February 6, 1872 ;

An act to repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed ;

An act to enlarge the board of equalization of the county of Perry ;

An act for the relief of J. G. Alexander, tax collector of Colbert county ;

An act for the relief of the sureties of William Falconer ;

An act to authorize Paul H. Lewis, as administrator of the estate of Wm. P. Brown, deceased, late of Shelby county, to sell the real estate belonging to said estate, at private or public sale, without an order of court ;

An act to amend section 2523 of the Revised Code ;

An act to make the fees of the late sheriff of Dallas county payable out of the general fund of said county ;

An act to authorize the commissioners court of Sumter county to levy a tax, not to exceed fifty (50) per cent. on the county tax of said county, to provide a sinking fund to pay the debt of said county.

Mr. Walton, from committee on finance and taxation, reported favorably to Senate bill—

To authorize and direct the Auditor to draw his warrant on the treasurer for two hundred and twenty-three dollars and seventy-five cents, in favor of Joel White, of Montgomery county ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Dereen, from select committee, reported favorably to House bill—

For the relief of the estate of Wm. J. Gilmore, deceased, late superintendent of education, of Choctaw county, and the sureties on his official bond,

The report was not concurred in ;

Ayes 6, noes 15.

Ayes—Messrs. Dereen, Haralson, Martin, Murphy, Pennington and Wilson—6.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Harris, Hewitt, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—15.

On motion of Mr. Terrell,

Bill was indefinitely postponed.

Mr. Terrell, with leave, withdrew from the committee on municipal and county organizations, Senate bill—

To amend section five (5) of an act entitled An act to create a new county of portions of Chambers, Tallapoosa, Macon and Russell, to be called the county of Lee, approved December 6, 1866 ;

Bill was then read a third time, under suspension, of the constitutional rule, and passed.

BILLS INTRODUCED.

On a call of the districts, the following bills were introduced :

By Mr. Cobb—

To amend section 2718 of the Revised Code ;

By Mr. Robinson—

To make it lawful for the sheriff of Calhoun county to execute all process issued by courts of justices of the peace and notaries public, and receive the usual fees for the same ;

By Mr. Robinson—

To fix the fees of justices of the peace and constables in Chambers county ;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

On motion of Mr. Cobb,

General order was suspended for the purpose of receiving reports of committees upon House bills.

PRIVILEGES AND ELECTIONS.

Mr. Doster, from the committee on privileges and elections, reported substitute for Senate bill—

For the relief of Cinda R. Murphree, wife of Uriah-Murphree, of Blount county ;

The report was concurred in, and substitute adopted ;

Bill, thus amended, was read third time, under suspension of the constitutional rule, and passed.

LOCAL LEGISLATION.

Mr. Martin, from committee on local legislatioln, returned, without recommendation, the following bills :

House bill—

To authorize the commissioners court of Etowah county to levy a special tax for certain purposes ;

On motion of Mr. Cooper,

The word “directed” was stricken out of bill ;

On motion of Mr. Cooper,

Bill, thus amended, was indefinitely postponed,

House bill—

For the protection of jurors in the circuit and city courts of Barbour county ;

The further consideration of bill was postponed until to-morrow.

House bill—

To repeal an act repealing an act entitled An act to enable certain officers to collect their fees, approved December 31, 1868, and repealed February 7, 1871 ;

Mr. Wilson moved to amend by inserting "Montgomery county ;"

On motion of Mr. Cooper,

Bill and amendment were indefinitely postponed.

Senate bill—

To enable the minor grand children of James M. Kitchens, sr., deceased, to sell and convey their interest in and to the lands devised to them, to John Brown, of the county of Walker, in this State.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 18, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILL,

To be entitled as follows :

To amend section first of the charter of the Elyton Land company, in Jefferson county, Alabama, incorporated under the general laws of this State ;

In relation to the charter of the town of Elyton, in Jefferson county ;

To repeal an act entitled An act to provide for the improvement of the river, harbor and bay of Mobile, approved February 19, 1867 ;

To incorporate the town of Wheeler, in Lawrence county ;

To regulate the further proceedings of the board for the improvement of the river, harbor and bay of Mobile, established by an act entitled An act to provide for the improvement of the river, bay and harbor of Mobile, approved February 16, 1867.

And has passed, with amendment,

SENATE BILL,

To restrict the counties to a certain rate of taxation.

And has concurred in Senate amendment to

HOUSE BILL,

To authorize Sarah J. Davidson, administratrix of the estate of James M. Davidson, sr., deceased, late of Monroe county, and Richard M. Johnson, administrator of the estate of A. W. Jones, deceased, late of Montgomery county, to sell the lands of said estates at private sale ;

And has amended Senate amendment to

HOUSE BILL,

To create the office of recorder of deeds and mortgages in the county of Montgomery.

And has originated and passed

JOINT RESOLUTION,

To adjourn on 23d instant sine die.

And has originated and passed bills :

To repeal an act entitled An act to prevent the wanton destruction of fish in the counties of Madison, Marshall and Limestone, so far as the same applies to the counties of Marshall and Limestone ;

To provide that the office of general administrator may expire with the office of the judge who appointed him ;

For the relief of the teachers of the public schools of Alabama, and to provide for paying the same ;

And has ordered the same to the Senate without engrossment.

ROBERT BARBER,
Clerk of the House.

Mr. Hewitt called up House joint resolution—

To adjourn on the 23d instant sine die ;

Senate concurred in joint resolution.

JUDICIARY COMMITTEE.

Mr. Poster, from the committee on the judiciary, reported favorably to House bills—

To regulate the trial of criminal cases in the circuit court of Dallas county ;

To authorize and empower John H. Blacklidge, administrator of the estate of Salem W. Blacklidge, deceased, to sell certain lands therein described at private sale ;

To define the right of the father to the custody of his child or children when he is abandoned by the mother, to whom he is legally married ;

The reports were concurred in, and bills severally read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to House bill—

To authorize the administrator of the several estates of Thomas Goodwill and John Goodwin, deceased, to settle the partnership transactions of decedents in lands, of their estates, and to sell said lands at private sale ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule ;

On motion of Mr. Cunningham,

Bill was laid on the table.

MOTION TO RECONSIDER.

Mr. Wilson made a motion to reconsider the vote by which Senate on yesterday passed Senate bill—

To repeal an act to encourage investments of money within this State by life insurance companies of other or foreign States, approved December 19, 1861.

FEDERAL RELATIONS.

Mr. Cobb, from committee on federal relations, reported favorably to House bill—

To amend and revise an act entitled An act to incorporate the Tuskaloosa Savings association, approved February 16, 1867 ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

Senate concurred in House amendment to Senate bill—

To restrict the counties to a certain .rate of taxation.

House bill—

To repeal an act entitled An act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, so far as the same applies to the counties of Limestone and Marshall,

Was read twice, under suspension of the constitutional rule ;

Mr. Goodloe moved to refer bill to a select committee of three ;

Mr. Coleman moved to lay the motion on the table ;

Which motion was lost ;

Ayes 9, noes 12.

Ayes—Messrs Black, Coleman, Driesbach, Hewitt, Martin, Parks, Robinson, Snodgrass and Walton—9.

Noes—Messrs. Dereen, Doster, Edwards, Glass, Goodloe, Haralson, Harris, Miller, Pennington, Royal, Terrell and Wilson—13.

Mr. Robinson moved to refer bill to select committee, consisting of Messrs. Coleman, Snodgrass and Cobb ;

Which motion was lost ;

Ayes 8, noes 11.

Ayes—Messrs. Black, Curtis, Dereen, Goodloe, Leftwich, Miller, Pennington and Wilson—8.

Noes— Messrs. Cobb, Coleman, Cooper, Driesbach, Hewitt, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—11.

The question recurring on the motion to refer to a select committee of three,

It was carried.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 18, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILLS,

To be entitled as follows :

For the relief of James A. Barton, of Colbert county ;

To prevent the sale of spirituous liquors within two miles of Mountain Mills, in Colbert county ;

Regulating the charges for transportation of freight upon railroads within tills State.

ROBERT BARBER,
Clerk of the House.

House bill—

To create the office of recorder of deeds and mortgages for he county of Montgomery,

Was tsken up;

On motion of Mr. Terrell,

The further consideration of bill was postponed until Monday next.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed, bills, reported as correctly engrossed :

A bill to declare Elbert H. Sawyer, of the county of Baker, a citizen of the county of Shelby.

On motion of Mr. Martin,

Senate adjourned until 9 o'clock, to-morrow.

Ayes 13, noes 10.

Ayes—Messrs. Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Leftwich, Martin, Miller, Robinson, Terrell and Wilson—13.

Noes—Messrs. Cobb, Coleman, Doster, Haralson, Hewitt, Murphy, Parks, Pennington, Snodgrass and Walton—10.

SATURDAY, April 19, 1873.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Haralson, Harris, Hewitt, Leftwich, Martin, Murphy, Parks, Robinson, Snodgrass, Terrell and Walton—22.

Journal of yesterday was read and approved.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 19, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills to be entitled as follows :

To authorize A. F. Elsberry, the administrator of the estate of Julius T. Alford, deceased, to sell the lands of said estate at private sale ;

For the relief of Mrs. Lucinda Bankley ;

To authorize and direct the Auditor to draw his warrant on the Treasurer for two hundred and twenty-three dollars and seventy five cents, in favor of Joel Whiter of Montgomery county ;

To make it lawful for the sheriff of Cleburne county to execute all processes issued, by courts of justices of the peace and. notaries public, and receive the usual fees for the same ;

To authorize James Benagh to administer on the estate of Thomas H. Hobbs, deceased, and to fix the amount of his bond ;

For the relief of Harry H. Moseley, late sheriff of Perry county ;

To amend, the charter of the Elyton, Corinth and Tennessee River Railroad company ;

In relation to the public schools of the city of Birmingham ;

To authorize the Governor of Alabama to dispose of, by sale or lease, the old canal known as the " Muscle Shoals Canal," and all the lands, timber, rock and iron belonging or appertaining thereto, and all the rights and privileges vested in the State of Alabama thereto ;

To amend section sixteen of an act entitled An act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction, approved January 27, 1872 ;

For the relief of Lafayette P. Reed, of Etowah county ;

To authorize Thomas Masterson, administrator de bonis non of the estate of Peter Looney, deceased, to sell the lands that belong to said estate ;

To amend the charter and constitution of the Montgomery Mutual Building and Loan association.

And has concurred in Senate amendment to House amendment, to following Senate bills—

For the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama ;

To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State.

And has passed, with amendment, Senate bills entitled as follows :

To amend the charter of Camden, Wilcox county ;

To prevent the wanton destruction of fish in this State.

And has concurred in Senate amendment to House bills entitled as follows :

To amend the first, second and third sections of an act to incorporate the Alabama Petroleum and Lamp company ;

To exempt the judge of probate, register in chancery, and attorneys in Pickens county, from the provisions of an act entitled An act to prohibit attorneys in certain cases from practicing their professions in the probate and chancery courts, approved February 11, 1871 ;

To repeal an act entitled An act to put in force certain provisions of the Revised Code relative to the publications of legal and other notices, so far as relates to Franklin.

And to House joint resolution—

To authorize the Auditor to draw his warrant, on the Treasurer in favor of Jonathan Barton, of Winston county, for the sum of $86 75-100, for services rendered as sheriff, &c.

And has originated and, passed bills, to be entitled as follows :

To allow compensation to the tax assessor of Dallas county for making the copy of the book of assessment ;

To amend section 4343 of the Revised Code of Alabama ;

To regulate the mode of drawing grand and petit jurors for Lawrence county.

And has originated and passed joint resolution—

As to resuming business at next session of the General Assembly.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
April 19, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To authorize J. J. N. McConnell to erect a toll-bridge across the Chattooga river, in Cherokee county.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
April 19, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which,

the concurrence of the Senate is requested, to be entitled as follows:

To authorize a consolidation of corporations ;

And ordered the same forthwith to the Senate, without engrossment.

ROBERT BARBER,
Clerk of the House.

Mr. Doster called up House bill—

For the relief of the teachers of the public schools of Alabama, and to provide for paying the same ;

Bill was read a third time, under suspension of the constitutional rule, and passed.

CALL OF THE DISTRICTS.

On a Call of the districts, the following bills were introduced :

By Mr. Walton—

To regulate the fees of the clerk of the circuit court of Clarke county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Hewitt—

To repeal an act entitled An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, so far as the same relates to the county of Jefferson ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Cobb moved to amend by adding “and Shelby” to the body and title of the bill ;

Which amendment was adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

By Mr. Jones—

To exempt the judge of probate, register in chancery and attorneys of Lowndes county from the provisions of an act entitled An act to prohibit attorneys in certain cases from practicing their professions in the probate and chancery courts, approved February 11, 1871 ;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Doster, from the committee on the judiciary, reported, adversely to Senate bill—

To change the time of meeting of the General Assembly of Alabama;

Which adverse report was concurred in.

EDUCATION.

Mr. Harris, from the committee on education, reported adversely to House bill—

To repeal an act of the Board of Education of Alabama, approved 14th December, 1872 ;

Which adverse report was concurred in ;

Ayes 10, noes 9.

Ayes—Messrs. Driesbach, Harris, Leftwich, Martin, Parks, Pennington, Robinson, Terrell, Walton and Wilson—10.

Noes—Messrs. Black, Cobb, Coleman, Cunningham, Doster, Edwards; Goodloe, Hewitt and Snodgrass—9.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 19, 1873.

Mr. President:

I am directed by the Governor to inform the Senate that on the 18th instant he approved and signed the following bills, originating in the Senate :

An act to authorize the commissioners court of Sumter county to levy a tax, not to exceed fifty (50) per cent. on the county tax of said county, to provide a sinking fund to pay the debt of said county ;

An act to authorize Emily A. Brunson, as administratrix of the estate of John W. Cowart, late of Pike county, deceased, to sell the lands of said decedent's estate at private or public sale, without an order of court ;

An act to enlarge the board of equalization of the county of Perry ;

An act to authorize Paul H. Lewis, as administrator of the estate of William P. Brown, deceased, late of Shelby county, to sell the real estate belonging to said estate at private or public sale, without an order of court ;

An act to amend. An act for the relief of William C. McIver, administrator of the estate of Seaborn Jones, deceased, approved February 5, 1872 ;

An act to repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed ;

An act to make the fees of the late sheriff of Dallas county out of the general fund of said county ;

An act to amend section 2523 of the Revised Code ;

An act for the relief of J. G. Alexander, tax collector of Colbert county ;

An act for the relief of the sureties of William Falconer.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act to amend the charter and constitution of the Montgomery Mutual Building and Loan association ;

An act for the relief of James A. Barton, of Colbert county ;

An act regulating the charges for transportation of freight upon railroads within this State ;

An act to restrict the counties to a certain rate of taxation ;

An act in relation to the charter of the town of Elyton, in Jefferson county ;

An act to repeal an act entitled An act to provide for the improvement of the river, harbor and bay of Mobile, approved February 19, 1867 ;

An act to amend section first (1) of the charter of the Elyton Land company, in Jefferson county, Alabama, incorporated under the general laws of this State ;

An act to regulate the further proceedings of the board for the improvement of the river, harbor and bay of Mobile, established by an act entitled An act to provide for the improvement of the river, bay and harbor of Mobile, Approved February 16, 1867 ;

An act to prevent the sale of spirituous liquors within two miles of Mountain Mills, in Colbert county ;

An act to incorporate the town of Wheeler, in Lawrence county.

Mr. Martin, from the committee on education, reported favorably to House joint resolution—

To provide for raising a joint, committee of the two Houses of the General Assembly of Alabama to memorialize Congress and the government of the United States, for and in behalf of the free public school interest of the State of Alabama ;

The report was concurred in, and joint resolution read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to Senate bills—

To re-enact subdivision four (4) of section 957 of the Revised Code of Alabama ;

To repeal an act entitled An act to extend the term of office of the present county superintendents of education, approved December 14, 1872 ;

To relieve purchasers of sixteenth section lands ;

Which adverse reports were severally concurred in.

Also, from the same committee, adversely to House Joint resolution—

For the appointment of committee, &c. ;

Which adverse report was concurred in.

PRIVILEGES AND ELECTIONS.

Mr. Doster, from the committee on privileges and elections, reported adversely to House bill—

To relieve from the disabilities of non-age the persons therein named ;

Which adverse report was concurred in.

House bill—

For the protection of jurors in the circuit and city courts of Barbour county,

Was read a third time, under suspension of the constitutional rule, and passed.

Mr. Coleman, from select committee, reported favorably to Senate bill—

To encourage and aid immigration to the State of Alabama ;

The report was concurredin ;

The question being on filling blank with “one thousand,”

It was lost ;

Mr. Cooper moved to fill blank with “five hundred ;”

Which motion was lost ;

Ayes 7, noes 12.

Ayes—Messrs. Coleman, Cooper, Cunningham, Hewitt, Murphy, Pennington and Walton—7.

Noes—Messrs. Black, Dereen, Doster, Driesbach, Edwards, Glass, Harris, Parks, Robinson, Royal, Terrell and Wilson—12.

Leave of absence for remainder of session was granted Mr. Pennington.

Leave of absence for one day was granted Mr. Doster.

Senate bill—

For the relief of tax payers,

Was passed.

Mr. Pennington, from committee on internal improvements, reported back House bill—

To amend and increase the capital of the Ohio and Alabama Manufacturing company ;

Bill was read a third time, under suspension of the constitutional rule, and passed.

Mr. Cobb called up

House bill—

To amend section 2376 of the Revised Code ;

Bill was read a third time, under suspension of the constitutional rule, and passed.

House joint resolution—

As to resuming business at next session of the General Assembly,

Was read twice, under suspension of the constitutional rule ;

Mr. Robinson moved to indefinitely postpone joint resolution ;

Which motion was lost ;

Ayes 12, noes 13.

Ayes—Messrs. Black, Curtis, Dereen, Jones, Leftwich, Murphy, Parks, Pennington, Robinson, Royal, Terrell and Wilson—12.

Noes—Messrs. Cobb, Coleman, Cunningham, Doster, Driesbach, Edwards, Glass, Goodloe, Harris, Hewitt, Martin, Snodgrass and Walton—13.

On motion of Mr Coleman,

Joint resolution was referred to select committee, consisting of Messrs. Coleman, Doster and Cobb.

ENGROSSED BILLS.

Mr. Dereen, from committee on engrossed bills, reported as correctly engrossed—

A bill to enable the minor grand children of James M. Kitchens, sr., deceased, to sell and convey their interest

in and to the lands devised to them, to John Brown, of the county of Walker, in this State ;

A bill for the relief of Cinda R. Murphree, wife of Uriah Murphree, of Blount county ;

A bill to amend section 2718 of the Revised Code.

Mr. Pennington, with leave, introduced joint resolutions—

Providing payment for copying the journals of the Senate and House of Representatives, and for distributing a portion of said journals ;

Which were read twice, under suspension of the constitutional rule ;

Mr. Parks moved to amend as follows :

After "five hundred dollars" insert the following:

"Or so much thereof as may be necessary, at the rate of twenty cents per hundred words ;"

On motion of Mr. Pennington,

The amendment was laid on the table ;

Ayes 17, noes 6.

Ayes—Messrs. Black, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Harris, Hewitt, Jones, Leftwich, Murphy, Pennington, Terrell, Walton and Wilson—17.

Noes—Messrs. Cobb, Coleman, Cooper, Martin, Parks and Snodgrass—6.

Joint resolutions were then read a third time, under suspension of the constitutional rule, and passed.

Mr. Cobb, from select committee, reported favorably to House bill—

In relation to the claims of the attorneys employed by Governor Lindsay in the matter of Alabama and Chattanooga Railroad ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed, and ordered to be sent forthwith to the House.

Mr. Martin, from the committee on education, reported adversely to Senate bill—

For the relief of H. W. Caffey, of Lowndes county, Alabama ;

Which adverse report was concurred in.

Senate concurred in House amendment to Senate bill—

To prevent the wanton destruction of fish in this State.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 19, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

An act to authorize and require the Auditor to draw Ins warrant on the Treasurer in favor of Judge and Holtzclaw, as retainers' fee.

ROBERT BARBER,
Clerk of the House.

Mr. Murphy, from select committee, reported favorably to House bill—

To repeal an act entitled An act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, so far as the same applies to the counties of Limestone and Marshall ;

The report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

House bill—

To authorize and require the Auditor to draw his warrant on the Treasurer in favor of Judge and Holtzclaw, for a claim as retainers' fee against the State of Alabama, in the case of Receiver of the Central Bank of Alabama vs. The State of Alabama,

Was read twice, under suspension of the constitutional rule, and referred to select committee, consisting of Messrs. Parks, Wilson and Curtis.

Mr. Coleman moved that leave of absence for three days be granted Mr. Hewitt ;

Mr. Parks moved to lay the motion on the table ;

Which motion was lost.

Pending the consideration of which,

On motion of Mr. Robinson,

Senate adjourned until Monday at 12 o'clock.

MONDAY, April 21, 1873.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Harris, Jones, Leftwich, Martin, Miller, Murphy, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—22.

Journal of Saturday was read and approved.

ENROLLED BILLS.

Mr. Edwards, from committee on enrolled bills, reported as correctly enrolled :

An act to authorize the Governor of Alabama to dispose of by sale or lease, the old canal known as the Muscle Shoals canal, and the lands, timber, rock and iron belonging or appertaining thereto, and all rights and privileges vested in the State of Alabama thereto ;

An act in relation to the public schools of the city of Birmingham ;

An act to amend section 16 of an act entitled An act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction, approved January 27, 1872 ;

An act for the relief of LaFayette F. Reed, of Etowah county ;

An act to authorize Thomas Masterson, administrator de bonis non of the estate of Peter Loony, deceased, to sell the lands that belong to said estate ;

An act for the relief of Harry II. Moseley, late sheriff of Perry county ;

An act to provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad, companies of this State ;

An act to prevent the wanton destruction of fish in this State ;

An act to make it lawful for the sheriff of Cleburne county to execute all processes issued by the courts of justices of the peace and notaries public, and receive the usual fees for the same ;

An act to authorize and direct the Auditor to draw his warrant on the Treasurer for two hundred and twenty-three dollars and twenty-five cents in favor of Joel White, of Montgomery county ;

An act to authorize James Benagh to administer on the estate of Thomas H. Hobbs, deceased, and fix the amount of his bond ;

An act to authorize A. F. Elsberry, the administrator of the estate of Julius S. Alford, deceased, to sell the land or parcel of land of said estate, at private sale, without making application, proof, and obtaining an order of sale, as is usually done.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 21, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has concurred in the Senate amendments. to the House bill, entitled:

An act to regulate elections in the State of Alabama, with amendments, in which a concurrence of the Senate is requested.

And has passed, without amendment, Senate bill entitled—

An act for the relief of James D. Williford, of Tallapoosa county.

ROBERT BARBER,
Clerk of the House.

Mr. Miller offered the following resolution, which was adopted :

Be it resolved, That the Secretary of the Senate be, and he is hereby instructed to ask (on benalf of the Senate) the return by the House of Representatives of a House bill entitled An act for the relief of the teachers of the public schools of Alabama, and to provide for paying the same , which bill was read a third time, and passed by the Senate on the 19th of April, 1873.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 81, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 19th instant he approved and signed the following bills, originating in the Senate :

An act to regulate the further proceedings of the board for the improvement of the river, harbor and bay of Mobile, established, by an act entitled an act to provide for the improvement of the river, bay and harbor of Mobile, approved February 16, 1867 ;

An act to amend section first (1) of the charter of the Elyton Land company, in Jefferson county, Alabama, incorporated under the general laws of this State ;

An act to prevent the sale of spirituous liquors within two miles of Mountain Mills, in Colbert county ,

An act in relation to the charter of the town of Elyton in Jefferson county ;

An act to repeal an act entitled An act to provide for the improvement of the harbor and bay of Mobile, approved February 19, 1867 ;

An act regulating the charges for transportation of freight upon railroads within this State ;

An act to restrict the counties to a certain rate of taxation ;

An act for the relief of James A. Barton, of Colbert county ;

An act to incorporate the town of Wheeler, in Lawrence county ;

An act to amend the charter and constitution of the Montgomery Mutual Building and Loan association.

Respectfully,

C. J. ATKINSON,

Recording Secretary.

The following bills were introduced :

By Mr. Terrell—

To authorize the commissioners court of the county of Coosa to levy a tax for county purposes, not to exceed in amount the rate levied by the State ;

By Mr. Miller—

To authorize William K. Parmer, as administrator de bonis non, of the estate of Joseph M. Farmer, deceased, late of Butler county, to sell the lands of said estate ;

By Mr. Miller—

To prevent the selling or giving away of vinous or spirituous liquors on the church lands belonging to Fairmount church, in Covington county ;

Which bills were severally read three times, under suspension of the constitutional rule, and passed.

By Mr. Murphy—

To create the office of recorder of deeds and mortgages in the county of Madison ;

Which bill was read three times, under suspension of the constitutional rule ;

Mr. Royal moved to refer bill to a select committee ;

On motion of Mr. Murphy,

The motion was laid on the table.

Bill was then read a third time, under suspension of the constitutional rule, and passed.

Mr. Wilson called up House bill—

To create the office of recorder of deeds and mortgages in the county of Montgomery ;

Mr. Terrell moved to lay the bill on the table,

Which motion was lost.

Mr. Terrell moved to refer bill to a select committee of three;

Which motion was lost ;

Ayes 8, noes 9.

Ayes—Messrs. Cooper, Driesbach, Harris, Martin, Robinson, Royal, Snodgrass and Terrell —8.

Noes—Messrs. Black, Curtis, Dereen, Glass, Jones, Murphy, Parks, Walton and Wilson—9.

The question recurring on concurring in the amendment of the House to the amendment of the Senate to the bill,

Senate refused to concur ;

Ayes 6, noes 14.

Ayes—Messrs. Curtis, Class, Jones, Parks, Walton- and Wilson—6.

Noes— Messrs. Black, Cobb, Cooper, Dereen, Driesbach, Edwards, Harris, Martin, Miller, Murphy, Robinson, Royal, Snodgrass and Terrell —14.

Mr. Terrell moved to reconsider the vote just taken.

On motion of Mr. Terrell,

The further consideration of the motion was postponed until Wednesday next, at one o'clock, and it was made the special order for that hour ;

Ayes 12, noes 8.

Ayes— Messrs. Black, Cobb, Cooper, Dereen, Driesbach, Edwards, Harris, Martin, Miller, Robinson, Royal, Snodgrass and Terrell —12.

Noes—Messrs. Cunningham, Curtis, Glass, Jones,, Murphy, Parks, Walton and Wilson— 8.

Mr. Parks, from select committee, reported favorably to House bill—

To authorize and require the Auditor to draw his warrant on the Treasurer in favor of Judge and Holtzclaw for a claim as retainers' fee against the State of Alabama, in the case of Receiver of the Central Bank of Alabama vs. The State of Alabama ;

Report was concurred in, and bill read a third time ; under suspension of the constitutional rule, and passed.

Mr. Parks called up House bill—

To regulate elections in the State of Alabama ;

The question was upon concurring in the following House amendment to Senate amendment to section 110 of bill—

Amend Senate amendment to section 110 by inserting after the words, "Revised Code of Alabama," and before the words "which sections :" and so much of section 84 of an act entitled An act to regulate elections in this State, approved October 8th, 1868, commencing with the words ‘and any person,' and ending with the words ' for six months,5 as relates to the penalty in said section : Provided, That such part of said section 34 shall not apply to any member of the board of challengers at any election;'" and by inserting after the words, "which section," "and such part of said section 34 ;"

And House amendment to Senate amendment was concurred in.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 21, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bill, to be entitled as follows:

To supply justices of the peace and notaries public with forms of proceedings.

ROBERT BARBER,
Clerk of the House.

On motion of Mr. Leftwich,

Senate adjourned until 9 o'clock to-morrow.

TUESDAY, April 22, 1873.

Senate met pursuant to adjournment.

On the call of the roll, the following Senators answered; to their names:

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Harris, Jones, Leftwich, Little, Martin, Miller, Murphy, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—24,

Journal of yesterday was read and approved.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act for the relief of James D. Williford, of Tallapoosa county ;

An act to supply justices of the peace and notaries public with forms of proceedings ;

An act for the relief of Mrs. Lucinda Bunkley, widow of Gordon Bunkley, deceased, and administratrix of his estate;

An act to amend the charter of the Elyton, Corinth and Tennessee River Railroed company.

ENGROSSED BILLS.

Mr. Dereen, from the committee on engrossed bills, reported as correctly engrossed :

A bill to prevent the selling or giving away of vinous or spirituous liquors on the church land belonging to the Fairmount church, in Covington county.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 22, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 21st instant he approved and signed the following bills, originating in the Senate :

An act to provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State ;

An act to authorize A. F. Elsberry, the administrator of the estate of Julius S. Alford, deceased, to sell the land or parcels of land of said estate at private sale, without making application, proof, and obtaining an order of sale, as is usually done ;

An act to make it lawful for the sheriff of Cleburne county to execute all processes issued by the courts of justices of the peace and notaries public, and receive the usual fee for the same ;

An act to authorize James Benagh to administer on the estate of Thomas H. Hobbs, deceased ; and to fix the amount of his bond :

An act to authorize the Governor of Alabama to dispose of, by sale or lease, the old canal known as the Muscle Shoals canal, and all the lands, timber, rock and iron belonging or appertaining thereto, and all the rights and privileges vested in the State of Alabama thereto ;

An act to authorize and direct the Auditor to draw his warrant on the Treasury for two hundred and twenty-three dollars seventy-five cents ($223 75) in favor of Joel White, of Montgomery county ;

An act to authorize Thomas Masterson, administrator de bonis non of the estate of Peter Loony, deceased, late of Lawrence county, to sell the lands that belong to said estate;

An act for the relief of LaFayette F. Reed, of Etowah county ;

An act to amend section sixteen (16) of an act entitled An act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction, approved January 27. 1872 ;

An act for the relief of Harry H. Mosely, late sheriff of Perry county ;

An act to prevent the wanton destruction of fish in this State.

Very respectfully,
C. J. ATKINSON,
Recording Secretary.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 22, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

To authorize Narcissa Dickey, widow of Thomas Dickey, deceased, to sell lands belonging to the estate of said Thomas Dickey ;

For the relief of Samuel Levey of the disabilities of non-age ;

To provide for payment for furniture for the office of the judiciary committee of the House of Representatives, and for work done in the House of Representatives ;

To define the commissions on sales of registers in chancery ;

To authorize Mary Quattlebaum to sell, at private sale, the lands belonging to her husband, Wilkes Quattlebaum, deceased, late of Pike county ;

In relation to jurors in all the courts of Russell county ;

For the relief of Joseph G. Neno, of the county of Mobile ;

To amend section 3060 of the Revised Code of Alabama ;

To amend section 933 of the Revised Code of Alabama ;

To amend section 109 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

To regulate the fees of the coroner of the county of Montgomery, and the mode of payment thereof ;

To authorize Martin G, Slaughter, administrator of the estate of Joseph McConathy, deceased, late of Clay county, to sell the lands belonging to said estate at private sale ;

To ratify and confirm an ordinace of the mayor and councilmen of the city of Selma, on the 21st of June, 1872, and the amendments thereto, authorizing the construction of street railways in the city of Selma ;

For the relief of Robert Parker, coroner of Montgomery county ;

To purchase a portrait likeness of the Hon. William R. King.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
April 22, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bill to be entitled as follows :

To provide a general law for the incorporation of societies formed for social and literary purposes.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
April 22, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested, Senate bill to be entitled as follows :

An act to regulate property exempted from sale for the payment of debts.

ROBERT BARBER,
Clerk of the House.

Mr. Martin called up House bill—

To protect female and minor laborers in factories ;

Mr. Terrell moved to indefinitely postpone bill,

Which motion was lost ;

Ayes 10, noes 12.

Ayes—Messrs. Cobb, Cooper, Cunningham, Doster, Driesbach, Glass, Harris, Robinson, Snodgrass and Terrell—10.

Noes—Messrs. Black, Coleman, Curtis, Dereen, Leftwich, Little, Martin, Murphy, Parks, Royal, Walton and Wilson—12.

On motion of Mr. Martin,

Bill way referred to a select committee, consisting of Messrs. Robinson, Murphy and Martin.

CONSIDERATION OF HOUSE MESSAGES.

Senate concurred in House amendment to Senate bill—

To amend the charter of Camden, Wilcox county.

House bills—

To authorize J. J. N. McConnell to erect a toll-bridge across the Chattooga river, in Cherokee county ;

To regulate the mode of drawing grand and petit jurors for Lawrence county ;

To allow compensation to the tax assessor of Dallas county for making the copy of the book of assessment ;

To provide that the office of general administrator may expire with the term of office of the judge who appointed him ;

To ratify and confirm an ordinance of the mayor and council of the city of Selma, on the 21st of June, 1872, and the amendments thereto, authorizing the construction of street railways in the city of Selma ;

To amend section 109 of an act entitled An act to establish revenue law for the State of Alabama, approved December 31, 1868 ;

To authorize Martin G. Slaughter, administrator of the estate of Joseph McConathy, deceased, late of Clay county, to sell the lands belonging to said estate at private sale ;

To amend, section 3060 (2633) of the Revised Code of Alabama ;

To authorize Mrs. Mary Quattlebaum, widow of Mr. Wilkes Quattlebaum, late of Pike county, deceased, to sell lands belonging to the estate of said deceased ;

To provide for payment for furniture for the office of the judiciary committee of the House of Representatives, and for work done in the House of Representatives ;

To authorize Mrs. Narcissa Dickey, widow of Thomas Dickey, late of Pike county, deceased, to sell lands belonging to the estate of said deceased ;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House bills—

To amend section 4343 of the Revised Code of Alabama ;

F or the relief of Joseph G. Neno, of the county of Mobile ;

In relation to jurors in all the courts of Russell county ;

To define the commissions on sales of registers in chancery ;

Were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

House bill—

To authorize a consolidation of corporations,

Was read twice, under suspension of the constitutional rule, and referred to the committee on internal improvements.

House bills—

For the relief of Robert Parker, coroner of Montgomery county ;

To regulate the fees of the coroner of Montgomery county, and the mode of payment thereof ;

Were severally read twice, under suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Wilson, Doster and Terrell.

Mr. Little called up House bill—

To amend sections one and two of an act entitled An act to exempt from administration property of decedents

and vest titles in the widow, child or children, approved February 8, 1872 ;

Mr. Terrell offered a substitute for the bill ;

On motion of Mr. Robinson,

Bill and substitute were referred to a select committee consisting of Messrs. Robinson, Little and Terrell.

House bill—

To amend section 923 (788) of the Revised Code of Alabama,

Was read twice, under suspension of the constitutional rule ;

Mr. Robinson offered the following amendment,

Which was adopted ;

Provided, That the provisions of this act shall not apply to the present incumbents of the office of county treasurer, who have given bond as required by law ;

Bill, thus amended, was ordered to a third reading.

House bill—

For the relief of Samuel Levey of the disabilities of non-age,

Was read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

Mr. Cobb, from select committee, reported favorably to House joint resolution—

As to resuming business at next session of the General Assembly ;

Report was concurred in.

On motion of Mr. Robinson,

Joint resolution was indefinitely postponed.

House bill—

To purchase and place over the Speaker's chair, in the House of Representatives, a portrait likeness of the Hon. Wm. R. King, late Vice President of the United States, and for many years a Senator of the United States from the State of Alabama,

Was read twice, under suspension of the constitutional rule ;

Mr. Cooper offered the following amendment,

Which was adopted :

Amend the first section by striking out, at the end of such section, " Speaker's chair, in the House of Representatives, ” and inserting in lieu thereof, " President's chair, in the Senate chamber ;"

Amend the title by striking out " Speaker's chair, in the House of Representatives," and insert in lieu thereof, "President's chair, in the Senate chamber ;"

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

With leave, Mr. Wilson introduced bill to declare Harriet Billingslea, wife of Henry C. Biliingslea, a free dealer, and to relieve her from the disabilities of coverture ;

Which bill was read three times forthwith, under suspension of the constitutional rule ;

Bill was then passed ;

Ayes 19, noes 5.

Ayes —Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Jones, Leftwich, Little, Martin, Miller, Murphy, Royal, Snodgrass, Terrell and Wilson—19.

Noes —Messrs. Cobb, Coleman, Harris, Parks, and Walton—5.

Mr. Martin moved to reconsider the vote just taken ;

On motion of Mr. Wilson,

The motion was laid on the table.

Mr. Cobb called up Senate bill—

To regulate property exempted from sale for the payment of debts ;

The various amendments of the House were concurred in ;

Mr. Martin moved to reconsider the vote just taken ;

On motion of Mr. Doster,

The motion was laid on the table.

With leave, Mr. Terrell introduced bill—

To more effectually prohibit lobbying in the capitol building in the city of Montgomery ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Cobb, from the committee on internal improvements, reported favorably, with amendments, to House bill—

To protect the owners of stock on the line of railroads in this State ;

Report was concurred in, and amendment adopted ;

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and passed.

Mr. Cooper, from select committee, reported favorably to House amendment to Senate bill—

To require the clerk and register of the court of law and equity of Lawrence county to file, register and certify liens and mortgages in certain cases, and for other purposes ;

House amendment was concurred in.

Mr. Coleman moved to adjourn until 10 o'clock to-morrow ;

Mr. Cooper moved to take a recess until 5 o'clock ;

The question was first taken on Mr. Coleman's motion ;

And it was lost ;

Ayes 9, noes 9.

Ayes—Messrs. Coleman, Harris, Jones, Little, Miller, Parks, Terrell, Walton and Wilson—9.

Noes—Messrs. Cobb, Cooper, Curtis, Driesbach, Glass, Leftwich, Martin, Royal and Snodgrass—9.

Mr. Cooper's motion was then lost.

On motion of Mr. Parks,

Senate then adjourned until 10:30 o'clock to-morrow.

WEDNESDAY, April 23, 1873.

Senate met pursuant to adjournment.

On the call of the roll the following Senators answered to their names :

Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Haralson, Harris, Jones, Leftwich, Little, Martin, Miller, Parks, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—24.

Journal of yesterday was read and approved.

ENROLLED BILLS.

Mr. Edwards, from the committee on enrolled bills, reported as correctly enrolled :

An act to require the clerk and register of the court of law and equity of Lawrence county, to file, register and certify liens and mortgages in certain cases, and for other purposes ;

An act to amend the charter of Camden, Wilcox county ;

An act for the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama ;

An act to provide a general law for the incorporation of societies formed for social and literary purposes ;

An act to change the boundary line between the counties of Shelby and Baker ;

An act to declare Elbert H. Sawyer, of the county of Baker, a citizen of the county of Shelby ;

An act for the relief of H. W. Caffey, of Lowndes county.

PROTEST.

Mr. Parks presented the following protest, which was ordered to be spread upon the Journal:

The undersigned, members of the Senate of Alabama, dissent from the proceedings in the Senate, upon the 30th and 31st days of January, 1873, in the matter of the contest between William Miller, jr., and Edmund W. Martin, for the seat in this Senate from the 31st Senatorial district, and protest against the acts and rulings of the President of the Senate, upon the motions and resolutions before the Senate, by virtue of which the said William Miller, jr., has taken, and now occupies, a seat in this body as Senator from said district.

The journal shows that the committee to which the said contest had been referred, to take testimony and report thereon, presented a divided report. One signed by Senator Pennington, chairman, reported that said Miller is entitled to the said seat : the other, signed by Senators Parks and Edwards, of the same committee, reported the following resolution :

Resolved, That Edmund W. Martin, the present sitting member, is legally and constitutionally elected for the 31st Senatorial district, and is entitled to his seat as a member of this body for the term prescribed by law.

Upon the coming in of said reports, the Senator from Wilcox county moved—which was seconded by a Senator—that the resolution thus reported by Senators Parks and Edwards, of said committee, be adopted, as the resolution of the Senate. Pending that motion, the Senator from Dallas moved—which was also seconded—as a substitute therefor, that the report presented by the chairman of that committee be adopted.

After discussion by the Senate, the President proceeded to take the sense of this Senate, upon the question then pending. The vote was taken by call of ayes and noes, and resulted in 16 ayes, to 14 noes.

The President announced that the result of the vote was that Mr. Miller was entitled to be seated as Senator from the 31st Senatorial district.

The Senator from Shelby, upon the call of his name, voted nay, but within the time allowed by rule, changed his vote to aye, in order to be entitled to move a reconsideration of the vote ; and upon the announcement of the

vote by the President, did move to reconsider the vote just then taken by the Senate. This occurred on January 30, 1873. The President intimated that the motion to reconsider was out of order, and would not be allowed.

Pending this question, the Senate adjourned till the 31st January, 1873, the Senator from Shelby retaining the floor.

On the morning of said 31st day of January, after further remarks by the Senator from Shelby, the President ruled that the said motion to reconsider the vote taken by the Senate as above stated, was out of order, and was not allowed. (The Senator from Shelby immediatly demanded an appeal to the Senate from the decision of the chair upon the propriety and legality of his motion. The President decided that an appeal did not lie to the Senate from his said decision, and refused to permit any question to the Senate, whereby his said decision could be reviewed by the Senate.) The Senator from Shelby, thereupon in open Senate, from his place therein, protested against the said decisions and rulings of the chair, and stated that as to proceed further would probably inaugurate violence and revolution, and as he saw no peaceful remedy provided by the law, he submitted, but with no concession as to the rights he claimed as a member of this Senate.

During the same session of the Senate the Senator from Pike called the attention of the Senate and the President to the state of the question pending before the Senate, that the vote which had been taken upon the motion of the Senator from Dallas, had placed his substitute (to-wit, that the report made by the chairman of the committee be adopted,) before the Senate, in the place and stead of the motion offered by the Senator from Wilcox, and that this substituted motion should now be put to the Senate for a direct and final vote thereon, and moved—which was seconded—that the vote of the Senate be taken upon said substituted motion. The President ruled that the Senator from Pike was out of order, and that his said motion was out of order, and refused to put his said motion, and refused to put the substitute offered by the Senator from Dallas to any vote other than had already been taken by the Senate.

From this ruling and decision of the President of the

Senate, the Senator from Pike demanded an appeal to the Senate, and claimed such decision by the Senate itself upon the ruling of its presiding officer, as a matter of right, belonging to him as a Senator, representing a portion of the people of this State. The President of the Senate ruled, and so decided, that no appeal to the Senate lay from his said decision, and refused to put such question of appeal himself, and refused to permit any appeal from his said decision to be put to the Senate by the Senator himself, or by any officer of the Senate, whereby his said decision might or could be reviewed by the Senate.

The Senator from Pike thereupon, from his place, in open session of the Senate, after prolonged and determined resistance, protested against the said decisions and rulings of the chair, and desisted from further pressing the assertion of his rights as Senator, only because prevailed on by Ins fellow-Senators that all peaceable remedies were exhausted, and to assert his rights would require violent and revolutionary measures ; and thereupon the Lieutenant Governor, from the chair of the Senate, as President thereof, declared Wm. Miller to be entitled to be seated in this Senate, as Senator from the 31st Senatorial District, and directed him to be sworn in as such Senator.

Other Senators from their places in the Senate, likewise gave notice that they coincided in the views of the Senators from Shelby and Pike, and united with them in protesting against the rulings and decisions of the President in the premises, and against which they protested.

Wherefore, the undersigned Senators from the districts set opposite their names, for themselves individually, and in behalf of the people, citizens of Alabama, of their said districts, whom they represent, do solemnly make and enter upon the journal of the Senate, this their protests against the said acts and doings of the said Lieutenant Governor, as President of the Senate, by him done in the presence of the Senate, and while presiding therein :

Because the said Lieutenant Governor, as President of the Senate, announced as the result of the vote of the Senate upon the motion of the Senator from Dallas, that Mr. Miller was entitled to be seated as the Senator from the 31st senatorial district of Alabama, when the true

result was that said. motion was substituted, for the motion of the Senator from Wilcox, and should have been then put to the vote of the Senate for its final decision ;

Because, in overruling the motion of the Senator from Shelby for a reconsideration of the vote upon the motion of the Senator from Dallas, and refusing to put the same, he violated the rules of order and parliamentary practice, which by law and custom govern the proceedings of the Senate and protect the rights of individual, members and of the minority, and denied to that Senator his rights as a member of this body, secured to him by its rules;

Because, in refusing to allow and put an appeal to the Senate, whereby the sense of the Senate could be taken upon the propriety of his ruling upon the former motion to reconsider the vote upon the motion of the Senator from Dallas, the Lieutenant Governor, as President of .the Senate, not only deprived the Senator from Shelby of rights which belonged to him as Senator, but endangered the peace of the community, and assumed to himself dangerous, arbitrary and despotic power, whereby the liberty and security of the citizen are put in jeopardy.

We protest for the same reasons against the course pursued by the President of the Senate toward the Senator from Pike, whereby the dignity of the Senate is invaded, and the rights of Senators and of their constituents, the good people of Alabama, are denied.

We further protest against these proceedings by and on the part of the President of the Senate, because, thereby, by his rulings and decisions, and not by the vote of the Senate, to whom alone such right and power constitutionally belong, one claimant to the seat in this body from the 31st senatorial district has been displaced, though he holds the legal certificate thereto, and another has been seated in his place, without the judgment and sanction of the Senate legally and constitutionally expressed.

We cannot but regard these acts and. rulings and decisions of the Lieutenant Governor, who, by the law of the land, is simply the presiding officer of the Senate, but not a component part thereof, and not entitled to participate in its deliberations, or to vote therein, except

when its own judgment is so evenly balanced that it can make no expression of its will, as destructive of the integrity of the government, and of the right and freedom of the citizen.

R. W. COBB,
Senator 8th District.
WM. H. PARKS,
Senator 32d District.
DANIEL COLEMAN,
Senator 1st District.
J. D. DRIESBACH,
Senator 29th District.
R. H. ERVIN,
Senator 30th District.
J. M. CARMICHAEL,
Senator 33d District.
G. W. HEWITT,
Senator 7th District.
S. WALTON,
Senator 27th District.
W. H. EDWARDS,
Senator 3d District.
J. J. ROBINSON,
Senator 11th District.
J. M. MARTIN,
Senator 9th District.
A. SNODGRASS,
Senator 5th District.
A. CUNNINGHAM,
Senator 10th District.
THOMAS BUTLER COOPER,
Senator 6th District.
P. HAMILTON,
Senator 28th District.
JOHN A. TERRELL,
Senator 12th District.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 23, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILLS,

To be entitled as follows :

To declare Elbert H. Sawyer, of the county of Baker, a citizen of the county of Shelby ;

To change the boundary line between the counties of Shelby and Baker ;

For the relief of H. W. Caffey, of Lowndes county ;

And Senate

JOINT RESOLUTION

Providing payment for copying the journals of the Senate and House of Representatives, and for distributing a portion of said journals ;

And has originated and passed bills to be entitled as follows :

To extend the time for making assessments of taxes in Dallas county ;

For the relief of R. C. Clarke, of Elmore county ;

Supplemental and amendatory to an act to amend section one of an act entitled An act to amend sections one and eleven of an act entitled an act to incorporate the Opelika and Talladega Railroad company, approved 9th December, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9,1861, and further amended by an act approved February 20, 1866, entitled an act to amend an act entitled an act to amend an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861, approved December 7, 1866, approved April 19, 1873 ;

And ordered the same forthwith to the Senate, without engrossment.

ROBERT BARBER,
Clerk of the House.

INTERNAL IMPROVEMENTS.

Mr. Cobb, from the committee on internal improvements, reported favorably to House bill—

To authorize a consolidation of corporations;

Report was concurred in, and bill read a third time, under suspension of the constitutional rule, and passed.

BILL INTRODUCED.

With leave, Mr. Cobb introduced bill—

To require the polls to be opened at Irondale, in Jefferson county, to enable such persons as wish to vote thereat to do so, upon the question of the removal of the court house from Elyton to Birmingham ;

Bill was read three times, under suspension of the constitutional rule, and passed.

REVISION OF THE LAWS.

Mr. Haralson, from the committee on revision of the laws, reported adversely to House bill—

To confer equity jurisdiction upon the circuit court of the third judicial circuit of the State of Alabama ;

The adverse report was concurred in.

Mr. Terrell called up House bill—

Supplemental and amendatory to an act to amend section one of an act entitled An act to amend sections one and eleven of an act entitled an act to incorporate the Opelika and Talladega Railroad company, approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and. Talladega Railroad company, approved November 9,1861, and further amended by an act approved February 20, 1866. entitled an act to amend an act entitled an act to amend an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1867, approved December 7, 1866, approved April 19, 1873 ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Robinson, from select committee, reported adversely to House bill—

To amend sections 1 and 2 of an act entitled An act to exempt from administration property of decedents, and vest titles in the widow, child or children, approved February 18, 1872 ;

The adverse report was concurred in.

Mr. Robinson, from select committee, submitted a majority report adversely to House bill—

To protect female and minor laborers in factories.

Mr. Martin submitted the following

MINORITY REPORT.

The undersigned, member of the special Senate committee, to whom was referred a bill to be entitled "An act to protect female and minor laborers in factories," begs leave to make a minority report, as he cannot agree with the majority in the report of the committee.

He would suggest the amendments herewith submitted for adoption, and hopes that the bill, as amended, may be passed.

J. M. MARTIN.

AMENDMENTS.

Amend by inserting, after the word "perform," in seventh line of section 1, the words, "more Ulan eleven hours of," and by striking out from section 1 the words, "except between the hours of 7 a. m. and 6 p. m."

Amend section 1 by striking out the words "or allow," in sixth line of said section.

The adverse report was concurred in ;

Ayes 10, noes 8.

Ayes—Messrs. Cobb, Cooper, Cunningham, Doster, Driesbach, Haralson, Harris, Robinson, Snodgrass and Terrell —10.

Noes—Messrs. Curtis, Dereen, Leftwich, Little, Parks, Royal, Walton and Wilson—8.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 23, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has originated and passed bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To make appropriations for the fiscal year ending September 30, 1873 ;

And has declined to, concur in Senate amendment to

HOUSE BILL,

To purchase a portrait likeness of the Hon. Wm. R. King.

ROBERT BARBER,
Clerk of the House.

Mr. Terrell offered, the following resolution,

Which was read and adopted:

WHEREAS, A certificate of pay has been issued by the Secretary of the Senate in behalf of Patrick Doran, for services as doorkeeper of the Senate from the 13th to the 31st day of January last, and said certificate has been duly signed by the President of the Senate; therefore,

Resolved by the Senate, That the Auditor be and he is hereby authorized and required to draw his warrant on the Treasurer of the State for the full amount of said certificate, pursuant to the plan of compromise of the Attorney General of the United States.

Senate receded from Senate amendment to House bill—

To purchase and place over the Speaker's chair in the House of Representatives a portrait likeness of the Hon. Wm. R. King, late Vice President of the United States, and for many years a Senator of the United States from. the State of Alabama.

Mr. Haralson called up House bill—

To extend the time for making assessments of taxes in Dallas county ;

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

BILLS INTRODUCED.

The following bills were introduced ;

By Mr. Miller—

To authorize Mary Sledge, administratrix of the estate of Henry Sledge, to sell certain lands ;

Which bill was read a third time, forthwith, under suspension of the constitutional rule, and passed.

By Mr. Cooper—

To prevent the sale, giving away or otherwise disposing of spiritous, vinous, or malt liquors within one and a, half miles of the kilns of the Chewacla Lime company, in Lee county ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Cooper moved to suspend the constitutional rule so as to give bill a third reading forthwith ;

Which motion was lost.

Mr. Curtis called up Senate bill—

For the relief of Seaburn A. Edwards, of Perry county, as administrator of the estate of A. M. Mahan ;

Mr. Parks moved to indefinitely postpone bill ;

Which motion was lost ;

Ayes 10, noes 11.

Ayes—Messrs. Cunningham, Doster, Driesbach, Edwards, Glass, Harris, Little, Parks, Robinson and Watton—10.

Noes—Messrs. Cobb, Cooper, Curtis, Dereen, Haralson, Leftwich, Martin, Miller, Snodgrass, Terrell and Wilson—11.

Mr. Curtis moved to suspend the constitutional rule so as to give bill a third reading forthwith ;

Which motion was lost.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 23, 1873.

Mr. President :

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bill, to be entitled as follows:

To incorporate the town of Clanton, in the county of Baker.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
April 23, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, with amendment, in which the concurrence of the Senate is requested, Senate bill—

To amend section 2032 of the Revised Code of Alabama.

ROBERT BARBER,
Clerk of the House.

Mr. Haralson called up House bill—

For the relief of R. C. dark, of Elmore county;

Bill was read three times, forthwith, under suspension of the constitutional rule, and passed.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 23, 1873.

Mr. President :

I am directed by the Governor to inform the Senate that on the 22d instant he approved and signed the following bills, originating in the Senate :

An act to supply justices of the peace and notaries public with forms of proceedings ;

An act for the relief of James D. Williford, of Tallapoosa county ;

An act for the relief of Mrs. Lucinda Buckley, widow of Gordon Buckley, deceased, and administratrix of his estate ;

An act to amend the charter of the Elyton, Corinth and Tennessee River Railroad company ;

An act in relation to the public schools of the city of Birmingham ;

An act for the relief of H. W. Caffey, of Lowndes county ;

An act to change the boundary line between the counties of Shelby and Baker ;

An act to declare Elbert H. Sawyer, of the county of Baker, a citizen of the county of Shelby ;

An act to provide a general law for the incorporation of societies formed for social and literary purposes ;

An act to amend the charter of Camden, Wilcox. county ;

An act for the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama.

Respectfully,

C. J. ATKINSON,

Recording Secretary.

On motion of Mr. Robinson,

Senate took a recess until 3 o'clock, p. m.

THREE' OCLOCK, P. M.

Senate met pursuant to adjournment.

SPECIAL ORDER

Set for 1 o'clock came up, it being House bill—

To create the office of recorder of deeds and mortgages in the county of Montgomery.

Mr. Robinson moved to lay the motion to reconsider the vote by which Senate refused to concur in House amendment to Senate amendment on the table;

Which motion was carried ;

Ayes 13, noes 7.

Ayes—Messrs. Cobb, Cunningham, Dereen, Doster, Driesbach, Harris, Leftwich, Little, Martin, Miller, Robinson, Royal and. Snodgrass —13.

Noes— Messrs. Curtis, Edwards, Haralson, Jones, Parks, Walton and Wilson—7.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 23, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILLS,

To be entitled as follows :

For the relief of James Middleton, late county superintendent of Fayette county ;

To authorize Mrs. Mary J. Long, as administratrix of the estate of James B. Long, her deceased husband, to sell the lands belonging to said estate at private sale.

To authorize Mary Sledge, administratrix of the estate of Henry Sledge, to sell certain lands ;

For the relief of E. M. Houghston of Butler county.

To amend section one of an act entitled An act to incorporate the town of Georgianna, in Butler county.

And has originated and passed bill, to be entitled as follows:

To amend an act entitled an act to incorporate the Pensacola Railroad Contracting company, approved, February 16, 1867 ;

And has concurred in Senate amendment to House bills entitled as follows:

To prohibit sale of ardent spirits within two miles of Bethel church, in Winston county, and within four miles of the Methodist church at Robinson's Springs, Elmore county ;

And has originated and passed resolution—

In relation to action of the House on Senate resolution on school bill.

ROBERT BARBER,
Clerk of the House.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, April 23, 1873.

Mr. President:

I am directed by the Governor to inform the Senate, that he has this day approved and signed the following bills, originating in the Senate:

An act to authorize Mrs. Mary J. Long, as administratrix of the estate of James B. Long, her deceased husband, to sell the lands belonging to said estate at private sale ;

An act to amend section one of an act to incorporate the town of Georgiana, in Butler county ;

An act to incorporate the town of Clanton, in the county of Baker ;

Also, joint resolution—

Providing payment for copying the journals of the Senate and House of Representatives, and for distributing a portion of said journals.

Respectfully,
C. J. ATKINSON,
Recording Secretary.

Mr. Walton called up House bill—

To make appropriations for the fiscal year ending September 30, 1873 ;

Which bill was read twice, under suspension of the constitutional rule ;

Mr. Walton offered the following amendment :

Amend by adding at end of bill : " and one hundred and fifty dollars for compensation of the Secretary of the Senate for filing papers of the Senate with Secretary of State ;"

Mr. Dereen moved to lay the amendment on the table ;

Which motion was lost ;

The amendment was then adopted ;

Ayes 11, noes 8.

Ayes—Messrs. Cobb, Cooper, Curtis, Driesbach, Haralson, Jones, Leftwich, Little, Martin, Terrell and Walton—11.

Noes— Messrs. Cunningham, Dereen, Doster, Glass, Harris, Robinson, Royal and Snodgrass —8.

Mr. Dereen moved to amend by striking out " two

thousand," and. inserting "twenty-eight hundred," for pay of the Attorney General ;

Which motion was lost ;

Mr. Robinson moved to strike out the words "one hundred thousand," where they occur, and insert in lieu thereof, " one hundred and fifty thousand ;"

Which motion was lost;

Bill, as amended, was read a third time, under suspension of the constitutional rule, and passed.

Senate concurred in House amendment to Senate bill—

To amend section 2032 of the Revised Code of Alabama.

House bill—

To amend an act entitled An act to incorporate the Pensacola Railroad Contracting company, approved February 16, 1867,

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Martin offered the following resolution,

Which was adopted :

Resolved, That a joint committee of five, consisting of two on the part of the Senate, and three on the part of the House, be raised, to wait upon the Governor, and to inquire if he has any other communication to make to this General Assembly.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
April 23, 1873.

Mr. President:

I am directed to inform the Senate that the House of Representatives has passed, without amendment,

SENATE BILL,

To be entitled as follows :

To remove the administration of the estate of Greenberry B. Franklin, deceased, late of Butler county, from the probate court of the county of Butler to the probate court of the county of Crenshaw.

ROBERT BARBER,
Clerk of the House.

HOUSE OF REPRESENTATIVES,
April 23, 1873.

Mr. President :

The House of Representatives has adopted, the following resolution :

Resolved, That a committee of three be appointed to act with such committee as may be appointed by the Senate, to wait upon the Governor, and inform him of the readiness of the two Houses of the General Assembly to adjourn sine die, unless he has some farther communication to make.

Mr. White of Dallas, Mr. Manning and Mr. Millen have been appointed as the House committee, under said resolution.

ROBERT BARBER,
Clerk of the House.

Senate concurred in House joint resolution to appoint a committee to wait upon his Excellency the Governor.

Thereupon,

Mr. President appointed Messrs. Martin and Doster said committee.

Mr. Martin, from the joint committee to wait upon the Governor, reported that the committee had discharged that duty, and that his Excellency the Governor had informed the committee, that he had no further communication to make to the General Assembly.

At the hour of four o'clock,

Mr. President, Lieutenant Governor Alex. McKinstry, in accordance with the joint resolution of the two Houses, declared the Senate adjourned sine die.

ALEX. MCKINSTRY,
President, and Lt., Governor of Alabama.

Attest:

MIKE L. WOODS,
Secretary of Senate.

BILLS, JOINT RESOLUTIONS,

PETITIONS AND MEMORIALS,

INTRODUCED IN THE SENATE OF ALABAMA DURING THE SESSION OF 1872—1873.

By Mr. BLACK—

1872.

Nov. 30. In relation to mechanics' liens within the State of Alabama.

Dec. 3. To provide against the evils resulting from the sale of intoxicating liquors in the State of Alabama.

1873.

Feb. 3. For the relief of Robert A. McTyer and. Mary F. Brady. Referred to judiciary; report favorable, with amendment, and bill passed February 6.

Feb. 3. For the relief of William H. Lott of the disabilities of non-age. Referred to judiciary.

Feb. 3. To prevent the depopulation of Alabama. Referred to finance and taxation; report adverse, and concurred in February 8.

Feb. 4. To amend an act in relation to the issue of county bonds in aid of any railroad in this State. Referred to internal improvements ; report adverse, and concurred in February 19.

Feb. 6. To repeal an act entitled an act to change the line between the counties of Russell and Barbour. Referred to municipal and county organizations.

Feb. 7. To change the line between the counties of Barbour and Russell. Referred to municipal and county organizations.

Feb. 8. For the relief of D. H. Zorn, of Barbour county. Referred to privileges and elections ; report favorable, and bill passed March 8.

By Mr. BLACK—Continued.

1873.

Feb. 10. To amend section 873 of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 11. To repeal an act entitled an act to repeal an act to enable certain officers to collect their fees. Referred to judiciary.

Feb. 13. To amend sections 2437, 2438 and 2439 of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 13. To provide against the evil resulting from the sale of intoxicating liquors in the State of Alabama. Referred to judiciary.

Feb. 17. To repeal sections 1858, 1859 and 1860 of the Revised Code of Alabama. Referred, with amendment, to judiciary.

Feb. 26. For the relief of Henry C. Copeland, of Barbour county, from the disabilities of non-age. Referred to privileges and elections.

March 8. To prohibit the sale of spirituous or vinous liquors within two miles of the Spring Hill Station of the Montgomery and Eufaula Railroad, in Barbour county. Passed.

March 8. To amend section 1589 of the Revised Code of Alabama. Referred to judiciary.

March 8. For the relief of James L. Daniel, of Barbour county. Referred to finance and taxation ; report favorable, with amendment, and bill passed April 9.

March 8. To make Anna Cannon, wife of Thomas J. Cannon, of Barbour county, Alabama, a free dealer. Amended, and referred to privileges and elections.

March 8. Joint resolution for the relief of Madison Smith, of Barbour county. Referred to privileges and elections.

March 19. To provide for the pay of clerks and sergeant-at-arms of the committees of the General Assembly. Referred to finance and taxation ; report favorable, and bill passed March 24.

March 19. To regulate the fees of the county treasurer of Barbour county, in certain cases. Passed.

March 19. To provide for the collection and distribution of fines and forfeitures in the county of Barbour. Amended, and passed.

By Mr. BLACK—Continued.

1873.

March 20. Joint resolution to examine into the condition and circulation of the Bank of Deposit of Mobile. Laid on the table.

April 8. To enlarge remedies in justices' courts, and avoid expensive suits in chancery. Referred to judiciary.

April 13. To secure justices of the peace and notaries public in their fees in certain cases. Referred to judiciary.

By Mr. BAKER—

1873-

Dec. 3. To provide for the removal of the county seat of Morgan county from Somerville to Decatur, in said county. Referred to a select committee.

By Mr. CARMICHAEL—

1873.

Feb. 10. To prevent the selling, giving or delivering of any vinous, fermented or spirituous liquors to persons who are, or who are reputed to be, of unsound mind. Referred to judiciary; report favorable, with amendment, and bill passed February 19.

Feb. 10. To prevent the carrying of sling shots. Referred to judiciary ; report that it lie on the table, and concurred in February 18.

Feb. 10. To prevent an improper use of lire arms. Referred to judiciary; report favorable, with amendment, and ordered to a third reading February 18 ; passed March 11.

Feb. 10. To amend section 1833 of the Revised Code. Referred to judiciary ; report favorable, and bill ordered to a third reading February 18 ; passed March 11.

Feb. 10. To amend section 80 of an act to establish revenue laws for the State of Alabama. Referred to finance and taxation.

Feb. 10. To amend section 3704 of the Revised Code of Alabama. Referred to penitentiary, prisons and punishments ; report favorable, and bill ordered to a third reading February 25; passed March 11.

By Mr. CARMICHAEL —Continued.

1873.

Feb. 11. To amend, section 2 of an act entitled an act to create a new chancery division out of the county of Dale, approved February 18, 1871. Passed.

Feb. 12. To fix the time and place of holding the chancery courts in the districts composed of the counties of Barbour, Henry, Dale and Bullock, of the eastern chancery division, of the State of Alabama. Passed,

Feb. 14. To provide for declaring married women free dealers. Referred to privileges and elections.

Feb. 19. To punish persona for violating their contracts in certain cases. Read twice ; referred to judiciary February 20

Feb. 20. To provide for the payment of the present indebtedness of the county of Dale. Referred to a select committee ; report favorable, and bill passed February 25.

Feb. 26. To repeal an act entitled an act to amend an act entitled an act to incorporate the Sepalga River Manufacturing company, of Conecuh county. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 26. To incorporate the town of Ozark, in the county of Dale. Referred to municipal and county organizations ; report favorable, and bill passed March 8.

March 12. To establish a State board of health. Referred to municipal and county organizations.

March 12. For the relief of Nancy Crow, widow of W. J. Crow, deceased. Passed.

March 26. To amend section 1 of an act entitled an act to fix the time of holding the circuit court in the eighth judicial circuit, approved February 3, 1870. Passed.

March 29. To limit the effect of an act entitled an act to amend section 1 of an act entitled an act to fix the time of holding the circuit court in the eighth judicial circuit. Passed.

March 29. To require the clerk of the circuit court of Dale county to set causes upon the State docket of his court for trial on particular days. Passed.

By Mr. CARMICHAEL—Continued.

1873.

April 7. Joint resolution providing for an adjournment of the General Assembly sine die on the 12th of April, 1873. Amended and adopted.

By Mr. COBB—

1873.

Feb. 4. To authorize the collection of debts for labor and service rendered for the benefit of trust estates. Referred to judiciary ; report favorable, and bill ordered to a third reading February 19 ; passed March 11.

Feb. 4. To regulate the practice in the courts of chancery in the State of Alabama. Referred, to judiciary.

Feb. 4. To regulate the practice in the courts of probate of the State of Alabama, upon contest for the granting of letters of administration and of guardianship. Referred to judiciary ; report adverse, and concurred in February 19.

Feb. 6. To repeal an act entitled an act to suppress murder, lynching and assault and batteries, approved December 28, 1868. Referred to judiciary; report favorable, and amended March 7 ; passed March 11.

Feb. 12. To amend section 2562 of the Revised Code. Referred to judiciary ; report favorable, and bill passed April 10.

Feb. 13. To change and straighten the line between the counties of Baker and Dallas. Referred to municipal and county organizations ; report favorable, with amendment, and bill passed March 8.

Feb. 13. To repeal an act entitled An act to add a part of Baker county to Dallas county, approved December 15, 1869. Referred to municipal and county organizations ; report favorable, and bill passed March 8.

Feb. 25. (Reported.) To repeal the inspection laws of this State. Ordered to a third reading ; passed March 11.

Feb. 26. To amend sections 13, 14 and 15 of an act entitled an act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1, 1870. Re-

By Mr. COBB—Continued.

1873.

ferred to municipal and county organizations ; report favorable, and bill passed March 8.

Feb. 26. To authorize Paul H. Lewis, as administrator of the estate of Wm. P. Brown, deceased, late of Shelby county, to sell the real estate belonging to said estate at private or public sale, without an order of court. Passed.

March 11. To amend section 2032 of the Revised Code. Passed.

March 29. To incorporate the town of Clanton, in the county of Baker. Passed.

March 29. To change the boundary line between the counties of Shelby and Baker. Referred to municipal and county organizations ; reported favorable, and bill passed April 9.

April 4. To amend section 1 of an act entitled an act to incorporate the city of Birmingham, in Jefferson county, approved December 19, 1871. Referred to a select committee; substitute reported, and passed April 12.

April 12. To furnish the Governor of the State with copies and certified transcript of records of the State department. Referred to a select committee ; substitute reported, and passed April 14.

April 17. To declare Elbert H. Sawyer, of the county of Baker, a citizen of the county of Shelby. Passed.

April 18. To amend section 2718 of the Revised Code of Alabama.

April 23. To require the polls to be opened at Irondale, in Jefferson county, to enable such persons as wish to vote thereat to do so, upon the quesion of the removal of the court house from Elyton to Birmingham. Passed.

By Mr. COLEMAN—

1873.

Feb. 3. To amend section 796 (clause 2) of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill ordered to a third reading February 4 ; passed February 26.

By Mr. COLEMAN---Continued.

1873.

Feb. 3. To amend sections 4, 9 and 14 of an act entitled an act in relation to the chancery courts in Alabama. Referred to judiciary ; report favorable, with amendment, and bill passed February 17.

Feb. 4. To require the county treasurer of Lauderdale county to pay the fees of county officers in certain cases. Referred to judiciary ; report favorable, and bill passed February 18.

Feb. 4. To amend an act entitled an act to establish a new charter for the town of Athens, in the county of Limestone, approved March 8, 1871. Referred to municipal and county organizations; report favorable and bill passed February 10.

Feb. 13. To require the clerks of the circuit courts of this State to set cases on the State docket for trial on particular days. Referred to judiciary ; report favorable, with amendment, and bill laid on the table March 24.

Feb. 13. To regulate the competency of witnesses in misdemeanors. Referred to judiciary.

Feb. 13. To amend section 3733 of the Revised Code. Referred to judiciary.

Feb. 13. To amend section 3738 of the Revised Code. Referred to judiciary.

Feb. 13. To encourage the planting of vineyards and fruit trees, and the growing of clover and grasses in this State. Referred, with amendment, to internal improvements ; substitute reported, and laid on the table March 29.

Feb. 26. To protect human life, and to provide for insane persons charged with crime. Referred to juiciary ; report favorable, and passed Apr. 10.

Feb. 26. To revise and amend an act entitled an act to incorporate the Florence and Nashville Railroad company, approved February 3, 1852, Referred to internal improvements ; reported back, and bill withdrawn March 14.

Feb. 26. To authorize and require the commissioners court of roads and revenue of Lauderdale county to submit to the voters of said county a certain proposition therein named, and for other purposes. Referred to internal improvements ; reported back, and bill withdrawn March 14.

By Mr. COLEMAN—Continued.

1873.

Feb. 28. (Reported.) Joint resolution making additional appropriation to pay the funeral expenses of the Hon. W. J. Gilmore, deceased. Passed.

March 6. To define the meaning of the word " resident." Referred to judiciary.

March 5. To preserve farms from trespass and damages. Referred to judiciary.

March 6. To enable defendants charged with crime to give bond and security for their appearance at court. Referred to judiciary.

March 5. To protect timber and rails. Amended, and referred to judiciary.

March 6. In relation to administrators and guardians. Referred, with substitute, to judiciary.

March 5. To protect women and minor operatives from excessive work. Referred to local legislation ; report adverse March 12.

March 5. Joint resolution in relation to amendments to the Federal Constitution. Referred to federal relations; report adverse, and concurred in April 9.

March 12. To regulate "qui tarn" actions in this State. Referred to Judiciary.

March 12. To repeal an act entitled an act to suppress murder, lynching, and assault and batteries, approved December 28, 1868, so far as relates to the counties of Limestone and Lauderdale. Passed.

March 14. Joint resolution providing that the General Assembly adjourn sine die on the 24th instant. Laid on the table.

March 20. To provide for the execution of process issued by the courts of this State upon foreign corporations doing business in this State. Referred, with amendment, to judiciary.

March 23. To repeal an act entitled an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, approved February 1, 1873, so far as the same relates to the county of Limestone. Referred to internal improvements.

April 9. To authorize James Benagh to administer on the estate of Thomas H. Hobbs, deceased, and to fix the amount of his bond. Referred to local legislation. Withdrawn from committee, and passed April 10.

By Mr. COLEMAN—Continued.

1873.

April 14. To authorize the commissioners court of Limestone county to furnish fuel for the offices of the county officers. Passed.

April 17. To protect the holders of policies in insurance companies organized and incorporated under the laws of Alabama. Referred to federal relations.

April 17. To change the time of meeting of the General Assembly of Alabama. Referred to judiciary ; report adverse, and concurred in April 19.

By Mr. COOPER—

1873.

Feb. 1. To require annuitants to make proof of being alive after the expiration of three years from last payment. Referred to judiciary ; substitute reported, and ordered to a third reading February 7 ; passed March 7.

Feb. 1. To enforce the collection of judgments against counties. Referred to judiciary; report adverse, and concurred in February 7.

Feb. 1. To incorporate the Stonewall Iron Company, and to confer certain powers and privileges thereon. Referred to judiciary ; report adverse, and concurred in February 8.

Feb. 1. To facilitate the sawing of lumber on Coosa river above Greensport, Alabama. Referred to local legislation ; substitute reported, and bill passed March 12.

Feb. 1. To protect and encourage the manufacture of iron, and for other purposes. Referred to local legislation; report favorable, with amendment, and bill passed March 12.

Feb. 7. For the relief of Samuel Edmondson, county treasurer of Etowah county. Referred to finance and taxation; substitute reported, and bill ordered to a third reading Feb. 19 ; passed March 11.

Feb. 10. To incorporate the Planters and Manufacturer's. Loan and Trust company, of Woodstock, Alabama. Referred to judiciary; report adverse, and bill indefinitely postponed February 18.

Feb. 12. To prohibit the wholesale and retail of spirituous liquors within two miles of Bangor, in Blount county. Passed.

By Mr. COOPER— Continued.

1873.

March 5. To fix the time of holding the circuit court in the 12th judicial circuit. Passed.

March 6. To authorize the court of county commissioners to elect a chairman and a clerk of said court, and define their duties. Referred to municipal and county organizations ; report favorable, but bill and report indefinitely postponed April 9.

March 6. To relieve judges of the court of probate from duties imposed upon them by law, pertaining to the court of county commissioners. Referred to municipal and county organizations ; report favorable, but bill lost on passage April 9.

March 6. To prohibit certain public officers, their deputies or agents, from trafficing in county claims. Referred to finance and taxation.

March 6. To authorize the redemption of lands sold for taxes and purchased by the State. Referred to finance and taxation ; report favorable, and bill passed April 12.

March 6. To authorize the Governor to settle with Montgomery and Eufaula Railroad company. Referred to internal improvements ; two reports submitted March 15 ; recommitted to a select committee March 18 ; report favorable.

March 6. To prohibit the sale of vinous or spirituous liquors within an area of five miles of Stonewall Iron works, in Cherokee county, in this State. Passed.

March 6. Authorizing the county of Montgomery to issue bonds. Passed.

March 8. (Reported.) In aid of the city hospital at Mobile. Ordered to a second reading.

March 12. To prohibit the granting of licenses to vend at wholesale or retail vinous or spirituous liquors outside of any city or incorporated town in this State, and within two miles of any manufacturing establishment. Referred to local legislation ; reported favorably, bill amended, and passed April 10.

March 20. To encourage the supply to the people of this State of cooking stoves and appurtenances.

By Mr. COOPER—Continued.

1873.

thereto, at reasonable prices. Referred to finance and taxation ; report favorable, and bill passed March 22.

March 20. Joint resolution in relation to the railroad laws of this State. Referred to internal improvements.

March 21. To authorize the Governor to issue a patent to Hugh L. McClung. Referred to education ; report favorable, with amendment, and bill passed April 9.

March 21. Declaring the salary of the attorney general of this State. Referred to judiciary ; report favorable, and bill passed March 24.

March 23. To prohibit owners of horses and mules from suffering them to run at largo in the streets or on the commons of any incorporated town or village in Cherokee county, in this State. Passed.

March 26. To make Coosa river a lawful fence, as therein shown, and to authorize owners of land on said river through which a public road may pass, leading to said river, to erect gates at such point on said river as will protect against intrusion of stock. Passed.

April 4. To incorporate the town of Cuba, in the county of Sumter. Passed.

April 10. To prohibit the sale of vinous or spirituous liquors within two miles of the foundry and work-shops and coaling grounds of the Woodstock Iron company, in Calhoun county. Passed.

April 17. To regulate the mode, manner and terms of giving notices of sales of lands by virtue of any execution, order of sale and decree of a court of chancery. Referred to judiciary.

April 23. To prevent the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within one and a half miles of the kilns of the Chewacla Lime company, in Lee county. Ordered to a third reading.

By Mr. CUNNINGHAM—

1873.

Feb. 3. For the relief of Eddy Ann Henry of the disabilities of non-age. Referred to judiciary ;

By Mr. CUNNINGHAM—Continued.

1873.

report adverse, and concurred in February 4 ; laid on the table February 26.

Feb. 3. To change the county line between the counties of Clay and Randolph. Referred to municipal and county organizations ; report favorable, and bill passed February 10.

By. Mr. CURTIS—

1873.

Feb 3. To punish parties carrying concealed about their persons brass knucks, sling shots, or other weapons of like kind or description. Referred to judiciary ; substitute reported, and bill ordered to a third reading February 4 ; passed February 26.

Feb. 3. For the relief of Harry H. Mosely, late sheriff of Perry county. Referred to finance and taxation ; report adverse, and concurred in. February 8.

Feb. 3. To repeal an act entitled an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 3868, so far as the same applies to the county of Perry. Referred to finance and taxation ; report favorable, and bill ordered to a third reading February 8 ; passed February 26.

Feb. 3. To prevent the assessors and collectors of taxes. from assessing and collecting the extra fee of 75 cents, unless they make the personal demand or give the written notice required by sections 34 and 49 of the revenue act of 1868. Referred to finance and taxation ; report adverse, and concurred in February 8.

Feb. 3. For the relief of Ned Keynard, a citizen of Perry county, in the State of Alabama. Referred to judiciary ; report adverse, and concurred in February 4.

Feb. 4. To amend section 3733 of the Revised Code of Alabama. Referred to judiciary.

By Mr. CURTIS—Continued.

1873.

Feb. 4. To enlarge the board, of equalization of the county of Perry. Referred, to municipal and county organizations; report favorable, and bill ordered to a third reading February 10 ; passed March 7.

Feb. 4. To compel tax collectors to pay over money promptly. Referred to finance and taxation ; report favorable, and bill passed February 19.

Feb. 4. To require the county treasurer of Perry county to make semi-annual statements of all monies received and expended by him for and on account of said county to the court of county commissioners, and for recording and posting the same. Referred to municipal and county organizations ; report favorable, and bill passed February 10.

Feb. 6. To repeal sections 2880, 2881, 2882, 2883 and 2884 of the Revised Code of Alabama. Referred to judiciary ; report adverse February 26.

Feb. 6. To exempt certain real and personal property from sale under legal process. Referred to judiciary ; report adverse February 26.

Feb. 8. For the relief of F. E. Huske, of Perry county. Referred to privileges and elections ; report favorable, and bill passed February 14.

Feb. 19. For the relief of Seaborn A. Edwards, of Perry county, as administrator of the estate of A. M. Mahan. Referred to finance and taxation ; report adverse, and laid on the table March 24 ; adverse report concurred in. March 31 ; passed April 23.

Feb. 24. To prohibit tax collectors from receiving State warrants for taxes. Referred to finance and taxation.

By Mr. DEREEN—

1873.

Feb. 3. In relation to mechanics' lien within the State of Alabama. Referred to judiciary ; report adverse, concurred in, and bill laid on the table March 16.

By Mr. DEREEN—Continued.

1873.

Feb. 3. For the relief of I. Adler & Bros., late citizens of Demopolis, and county of Marengo. Referred to finance and taxation ; report adverse, and concurred in February 8.

Feb. 3. To authorize and empower Edith J. Dustan, a married woman, to do and perform certain acts therein named. Passed.

Feb. 4. To repeal an act entitled an act to require certain officers of Marengo county to reside at the court house, or within one (1) mile thereof, approved December 8, 1866. Referred to municipal and county organizations.

Feb. 6. For the relief of Augustine Schmidt and Robert A. Morgan, of Marengo county. Referred to privileges and elections ; report favorable, and bill passed February 11.

Feb. 7. To establish a new charter for the city of De mopolis. Referred to municipal and county organizations ; report favorable, with amendment, and bill passed March 4.

Feb. 10. To repeal an act entitled an act to increase the pay of the county commissioners of Marengo and Choctaw counties, Alabama, approved October 10, 1868. Passed.

Feb. 13. For the relief of James D. Williford, of Tallapoosa county. Referred to privileges and elections ; report favorable, and bill ordered to a third reading March 8 ; passed March 22.

Feb. 15. Joint memorial to Congress asking that payment be made to the owners of cotton unlawfully seized and taken from them by United States treasury agents, or the value of proceeds of such cotton. Adopted.

Feb. 26. For the relief of Augustus C. Pearce, Margaret Pearce, Eleanor Pearce and Joseph Pearce, of the county of Marengo, Alabama. Referred to a. select committee ; report favorable, and bill passed March 18.

March 1. To amend section 3620 of the Revised Code of Alabama. Referred to local legislation.

March 1. To amend section 3555 of the Revised Code of Alabama. Amended, and referred to local legislation ; report favorable, and bill passed March 12 ; report adverse, and concurred in March 14.

By Mr. DEREEN—Continued.

1873.

March 10. To amend, section 1175 of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill passed March. 24.

March 10. To amend section 3614 of the Revised Code of Alabama. Referred to judiciary.

March 10. To regulate the time of meeting of the board of equalization of Marengo county. Passed.

March 10. To repeal an act entitled an act to amend an act entitled an act to incoporate the city of Demopolis, approved January 18, 1872. Passed.

March 19. To make Regina Levy, wife of Edward Levy, of the city of Demopolis, Marengo county, a free dealer. Referred to privileges and elections.

March 29. To amend section 2357 of the Revised Code of Alabama. Referred to judiciary.

March 29. To encourage, establish and build up cotton factories in the State of Alabama. Referred to internal improvements.

March 31. To authorize the (Governor to issue a patent to J. F. McDuff, of Tuskaloosa county, for certain lands therein named. Passed.

March 31. For the relief of John A. Perkins, of Tuskaloosa county. Passed.

By Mr. DOSTER—

1872.

Nov. 30. To establish a ferry upon the Tallapoosa river.

1873.

Feb. 4. To make an appropriation to defray the funeral expenses of the late William J. Gilmore, deceased. Passed.

Feb. 6. To repeal an act entitled an act to exempt from administration property of decedents, and, vest titles in the widow or child or children, approved February 8,1872. Referred to judiciary ; report favorable, and bill ordered to a third reading February 8 ; passed March 7.

Feb. 6. To authorize the establishment of a public ferry across the Tallapoosa river. Referred to privileges and elections ; substitute reported, and bill ordered to a third reading February 18 ; passed March 11.

By Mr. DOSTER—Continued.

1873.

Feb. 7. To amend an act entitled an act to incorporate the Tuskegee Female college, approved February 2, 1854. Referred to judiciary ; report favorable, and bill ordered to a third reading February 18 ; passed March 10.

Feb. 7. To repeal an act entitled an act for the relief of laborers and employees, approved October 30, 1868. Referred to judiciary ; report favorable, and bill passed April 10.

Feb. 7. To repeal an act entitled an act to secure complete records in the courts in this State, approved December 10, 1868, so far as the same applies to the counties of Autauga and Elmore. Referred, with amendment, to Judiciary ; report favorable, with amendment, and bill ordered to a third reading February 19 ; passed March 11.

Feb. 8. To repeal an act entitled an act to repeal an act entitled an act to authorize writs of garnishment against incorporated cities, &c., and to repeal an act entitled an act to repeal an act to authorize writs of garnishment against incorporated cities, towns and villages. Referred to judiciary ; report favorable, and bill ordered to a third reading February 18 ; passed March 31.

Feb 13. To exempt certain church property therein named from taxation. Referred to finance and taxation ; report adverse, and concurred in March 24.

Feb. 15. To authorize Mrs. Rachel Ward, of Elmore county, to collect the debts and settle up the estate of her deceased husband, E. B. Ward, without administering on his estate. Referred to judiciary.

Feb. 25. To amend section 2884 of the Revised Code of Alabama. Referred to judiciary.

Feb. 25. For the relief of I. W. Suttle, and William H. Odiorne. Referred to privileges and elections.

Feb. 25. To authorize Mary Edwards, of Baker county, to sell and convey real estate therein mentioned. Referred to privileges and elections ; report favorable, and bill passed April 9.

By Mr. DOSTER—Continued.

1873.

Feb. 26. To repeal an act entitled an act to add a part of Baker comity to Dallas county. Referred to municipal and county organizations ; report favorable, and bill passed March 8.

March 1. To amend section 85 of an act entitled an act to establish revenue laws for the State of Alabama. Referred to finance and taxation.

March 1. To amend an act entitled an act to encourage investments of money within the State by Life Insurance companies of other or foreign States. Referred to finance and taxation.

March 1. To secure justices of the peace and notaries public in their fees in certain cases. Referred to finance and taxation ; report favorable, and bill referred to judiciary April 4.

March 1. To repeal an act entitled an act to exempt the judge of probate, register in chancery, and attorneys, in Elmore county, from the provisions of an act entitled an act to prohibit attorneys in certain cases from practicing their profession in the probate and chancery courts, approved February 11, 1871. Amended, and referred to judiciary.

March 4. To establish an inferior court of record in the several counties of this State, with civil and criminal jurisdiction, and to provide for the organization thereof. Referred to judiciary.

March 10. For the relief of persons arrested on criminal process. Referred to judiciary.

March 10. To regulate the time of trial of civil cases, and to amend sections 2660, 2661, 2772 and 2998 of the Revised Code. Referred to judiciary.

March 10. To require all fines and forfeitures to be paid in money. Referred to judiciary ; substitute reported April 10.

March 10. To amend section 1 of an act entitled an act to suppress murder, lynching and assaults and batteries, approved December 28,1868. Referred to judiciary.

March 10. For the relief of W. T. and O. H. McWilliams, of the county of Elmore. Referred to privileges and elections.

By Mr. DOSTER—Continued.

1873.

March 10. For the relief of Catharine Dent, a minor. Referred to a select committee; report favorable, and bill passed March 27.

March 13. (Reported.) To provide for the prompt payment of the sum now authorized by law for the support of the indigent and the criminal insane in the Alabama Insane hospital. Amended and passed.

March 19. To amend the charter of the Wetumpka Summer Medical college, a corporation heretofore organized under the general incorporation laws of Alabama. Referred to municipal and county organizations.

March 19. To relieve purchasers of sixteenth section lands. Referred to education ; report adverse, and concurred in April 19.

By Mr. DRIESBACH—

1873.

Feb. 3. Requiring the sureties on the official bonds of the county officers of Baldwin county to reside in said county. Referred, to municipal and county organizations ; report favorable, and bill ordered to a third reading ; passed March 7.

Feb. 11. For the relief of D. A. Moniac, tax collector of Baldwin county. Referred to finance and taxation ; report favorable, and bill ordered to a third reading February 19 ; passed. March 11.

March 3. To provide for the permanent location of the county seat of Baldwin county. Referred to municipal and county organizations.

March 22. To regulate the practice in the circuit court of Baldwin county in certain cases. Passed.

By Mr. DUSKIN—

1873.

Feb. 3. For the encouragement and promotion of manufactures and the industrial and mechanic arts within the State of Alabama, and to confer upon those engaged in such pursuits certain privileges specified, in said act. Referred to internal improvements; report favorable February 19 ; amended and passed March 4.

By Mr. DUSKIN—Continued.

1873.

Feb. 4. To fix the time of holding the chancery court for the ninth district of the western chancery division of Alabama, composed of the county of Hale. Referred to judiciary ; report favorable, and bill passed February 8.

Feb. 7. To regulate and define the property exempt from sale and execution, or other final process, of any court in the State of Alabama. Referred to judiciary ; report adverse February 26.

Feb. 7. To repeal all usury laws in the State of Alabama. Referred to judiciary ; report adverse, and concurred in February 25.

Feb. 7. To loan the credit of the State of Alabama to the Selma Marion and Memphis Railroad company, for the purpose of expediting the construction of its road within said State. Referred to internal improvements ; report adverse, and concurred in February 19.

Feb. 7. To declare and make Lucy R. Tayloe, wife of John Wm. Tayloe, of the county of Hale, a free dealer, with the powers and liability of a femme sole. Referred, with amendment, to privileges and elections ; report adverse, but not concurred in February 11 ; substitute adopted, and bill passed February 14.

Feb. 8. To provide for keeping jurors together in capital cases, and more effectully to guard said trials. Referred to judiciary ; report favorable, and passed March 24.

Feb. 11. To regulate the terms of the courts of the first judicial circuit. Referred to judiciary; report favoraable, and bill passed March 15.

Feb. 12. To repeal an act entitled an act to extend the term of office of the present superintendents. of education, approved December 14, 1872. Referred, to education ; report adverse, but. bill recommitted, with instructions, February 26 ; report adverse, and concurred in April 19.

Feb. 19. To amend section 4264 of the Revised Code of Alabama. Referred to judiciary ; report favorable, and laid on the table March 24.

By Mr. DUSKIN— Continued.

1873.

Feb. 21. To amend, sections 4 and 7 of an act entitled an act to incorporate the Alabama Mining and Manufacturing company, approved February 19, 1867. Referred to internal improvements ; report favorable, with amendment, March 11 ; passed March 23.

Feb. 24. To provide for making non-resident heirs parties defendants when the ancestor dies while a suit is pending against him in a court of law for the recovery of real estate, and for their protection in such cases. Referred to judiciary ; report favorable, and bill passed. March 24.

Feb. 26. To repeal section 2 of an act entitled an act to incorporate the Greensboro Fire Company, No. 1, of Greensboro, Alabama, approved February 16,1869. Passed.

Feb. 26. To amend the charter of the Selma, Marion and Memphis Railroad company. Passed.

March 10. To amend sections 2181 and 2187 of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill passed March 24.

March 10. To authorize Sarah W. Dugger, of Hale county, to sell as administratrix of the estate of Henry B. Dugger, deceased, certain real estate therein named. Referred to privileges and elections ; report favorable, and bill passed. March 20.

March 18. To relieve regularly licensed dentists from jury duty. Referred to, privileges and elections ; report favorable, but bill indefinitely postponed April 2.

March 23. To amend section 1 of an act entitled an act to amend an act entitled an act to establish the Canebrake Agricultural District, to provide for the securing of the same, and the management of its affairs. Passed,

March 26. To authorize and require the Auditor to transfer certificates of purchases of land bid in by the State, upon payment of taxes and costs due thereon. Referred to finance and taxation ; report favorable, bill amended, and passed April 9.

By Mr. DUSKIN—Continued.

1873.

March 28. To incorporate the Invincible Hook and Ladder Company, No. 1, of Greensboro, Alabama. Laid on the table.

March 28. To protect game and insectivorous birds. Referred to internal improvements.

By Mr. EDWARDS—

1873.

Feb. 4. Joint resolution to provide for the expenses incurred by the select committee of the Senate to investigate the Marengo and Butler and Conecuh senatorial contests. Passed.

Feb. 4. To prohibit the selling of vinous or spirituous liquors within three miles of the Baptist college in Blount county. Referred to municipal and county organizations ; report adverse, and concurred in February 10.

Feb. 4. To make Malinda Ann Cain a free dealer. Referred to privileges and elections ; report adverse, and concurred in February 11.

Feb. 6. To prevent camp-hunting in the county of Blount. Referred to local legislation ; report adverse, and concurred in February 10.

Feb. 8. Joint resolution to prohibit the sale or in any manner disposing of vinous or spirituous liquors within the enclosure of the capitol building, in the city of Montgomery. Passed.

Feb. 24. To repeal an act to prohibit the sale, making or giving away of spirituous, vinous or malt liquors within one mile of the school house, located at Walnut Grove, Etowah county. Passed.

Feb. 24. To prohibit the sale, making or giving away of spirituous, vinous or malt liquors within one mile of the Baptist church, located at Walnut Grove, Etowah county. Passed.

Feb. 24. To regulate the publication of legal notices and advertisements. Passed.

Feb. 24. To authorize the removal of the administration of Edward Gant from the county of Talladega to the county of Montgomery. Referred to judiciary.

By Mr. EDWARDS—Continued.

1873.

Feb. 24. To amend the charter of the town of Decatur, in Morgan county. Referred to municipal and county organizations ; report favorable, and bill passed March 8.

Feb. 26. To make Mrs. Trissa T. Posey a free dealer. Referred to privileges and elections ; report adverse, and concurred in March 8.

Feb. 26. To compel the civil officers of Alabama to enforce the laws. Referred to judiciary.

Feb. 26. To authorize Sarah Ann Hanna to sell the lands belonging to John Hanna, deceased. Referred to judiciary.

Feb. 26. To prohibit the sale, making or giving away of spirituous, vinous or malt liquors in two miles of Village Springs, in Blount county. Passed.

Feb. 27. To create a new county of portions of Blount, Walker, Jefferson and St. Glair, to be called the county of ——. Amended, and referred to municipal and county organizations.

March 5. To legalize the sale of certain lands therein named. Referred to judiciary.

March 5. To provide pay for officers of court in certain cases. Referred to judiciary.

March 5. To amend section 3514 of the Revised Code of Alabama. Referred to judiciary.

March 5. To amend section 3518 of the Revised Code of Alabama. Referred to judiciary.

March 5. To establish a chancery district for the county of Morgan, in the northern chancery division. Referred to judiciary ; report favorable, and bill passed March 24 ; reconsidered, and bill indefinitely postponed March 26.

March 6. For the relief of certain persons therein named. Referred to privileges and elections.

March 6. To authorize Jane Edwards, of Morgan county, to sell, at private sale, certain lands therein named. Referred to privileges and elections.

March 6. To provide a grand jury docket. Referred to judiciary.

March 6. To incorporate the town of Decatur, and for other purposes. Referred to municipal and county organizations.

By Mr. EDWARDS—Continued.

1873.

March 12. To authorize D. A. Hendrix, treasurer of Blount county, to keep his office two and a half miles from the town of Blountsville, the county site of said county. Passed.

March 12. Joint resolution for the relief of Lewis Hobart, agent of Mrs. S. Hobart. Referred to finance and taxation; report favorable, and passed.

April 9.

March 20. To supply Morgan county with a tract book and field notes. Referred to municipal and. county organizations.

March 20. For the relief of Cinda R. Murphree, of Blount county. Referred to privileges and elections ; substitute reported, and passed

April 18.

March 20. To incorporate the town of Springville, in St. Clair county. Referred to a select committee ; report favorable, and bill passed.

March 24.

March 22. To prevent the sale of spirituous liquors within three miles of Trinity Methodist Episcopal church ; in Morgan county. Passed.

March 31. To create the county of Valhermosa. Referred to municipal and county organizations.

March 31. To create Decatur county. Referred to municipal and county organizations.

April 3. To authorize the commissioners court of Blount county to levy a special tax to build a jail. Passed.

April 3. To secure certain privileges to the members of the " Montgomery Greys." Laid on the table.

By Mr. Ervin —

1873.

Feb. 3. To regulate the trial of attachment cases. Referred to judiciary ; report favorable, with amendment, and bill ordered to a third reading February 6. Passed February 26.

Feb. 3. To regulate the sale of property levied upon under execution in Wilcox county. Referred to judiciary ; substitute reported and ordered to a third reading February 8. Passed March 8.

By Mr. ERVIN—Continued.

1873.

Feb. 3. To regulate the incompetency of witnesses in criminal cases. Referred- to judiciary ; report adverse, and concurred in February 4.

Feb. 3. To amend section 2960 of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill ordered to a third reading February 4 ; passed February 26.

Feb. 3. To regulate the holding of special terms of the circuit courts of this State. Referred to judiciary ; substitute reported, and bill passed . February 18.

Feb. 4. To relieve Solomon D. Bloch, of the county of Wilcox, of the disabilities of non-age. Referred to judiciary ; report adverse, and concurred in February 6.

Feb., 4. To relieve Felix F. Dumas, of the county of Wilcox, of the disabilities of non-age. Referred to judiciary ; report adverse, and concurred in February 6.

Feb. 10. To prevent the sale of spirituous liquors within two miles of Pine Hill Methodist church, in Wilcox county. Passed.

Feb. 11. To enforce the collection of taxes in the town of Camden. Referred to municipal and county organizations.

Feb. 12. To require the clerk of the circuit court of Wilcox county to set the cases on the State docket of his court for trial on particular days. Passed.

Feb. 26. To provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsements of bonds of the various railroad companies of this State Referred to internal improvements, and ordered printed ; substitute reported March 15 ; substitute adopted, bill amended, and passed March 25.

March 3. To amend section 825 of the Revised Code of Alabama. Referred to judiciary.

March 3. Joint resolution relative to the appointment of an agent for the collection of the amount due from the United States to the State of Alabama, on account of lands in this State disposed of by military warrants and land scrip issued for military services in the wars of the United States. Passed.

By Mr. ERVIN—Continued.

1873.

March 13. To encourage and aid emigration to the State of Alabama. Referred to internal improvements ; report favorable, and bill ordered to a third reading March 15.

March 14. To amend the charter of Camden, Wilcox county . Passed.

By Mr. GLASS—

1873.

Feb. 7. To amend an act for the relief of William C. McIver, administrator of the estate of Seaborne Jones, deceased, approved July 5, 1872. Passed.

Feb. 8. To relieve Walpole C. Brewer, of Macon county, and State of Alabama, of the disabilities of minority. Amended, and referred to privileges and elections.

Feb. 12. To allow the justices of the peace and constables of Macon county to charge the same fees as are allowed the justices of the peace and constables of Montgomery county, Alabama. Referred to local legislation ; report adverse, and concurred in March 12.

March 8. To amend section first of an act entitled an act to prohibit the sale of spirituous liquors within three miles of the Methodist Episcopal church at Warrior Stand, Macon county, approved February 8, 1872. Passed.

March 19. To amend section one (1) of an act to incorporate New Cubahatchie Baptist church, in Macon county, approved February 8, 1872. Passed.

By Mr. GILMORE—

1872.

Dec. 5. To provide for a State capital. Referred to judiciary committee.

By Mr. GOODLOE—

1873.

Feb 3. To induce investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad company bonds and stock, and thereby aid in the development and utilizing of the mineral resources of the State. Re-

By Mr. GOODLOE—Continued.

1873.

ferred to Internal improvements ; substitute reported February 19 ; recommitted, with amendments, February 21 ; report favorable, but bill indefinitely postponed March 29.

Feb. 7. To authorize the Masonic Temple association of Alabama to borrow money. Passed.

Feb. 8. To authorize the Governor to issue a patent to Patilla Woodruff, of the county of Franklin. Referred to judiciary.

Feb. 8. To authorize the Governor of this State to fill all judicial offices of this State, when the same are or may become vacant by death, resignation or otherwise. Referred to judiciary ; substitute reported, and bill passed March 4.

Feb. 11. Regulating the charges of transportation of freight upon railroads within this State. Referred to finance and taxation ; report favorable, with a resolution, which was adopted February 19 ; substitute reported March 19.

Feb. 12. To authorize conductors on railroads and captains of steamboats to make arrests. Referred to judiciary ; report favorable, with amendment, and bill passed March 24.

Feb. 14. To amend subdivision number 10 of section 112 of an act entitled an act to establish revenue laws for the State of Alabama. Referred to finance and taxation.

Feb. 14. To enforce section 1207 of the Revised Code. Referred to judiciary.

Feb. 17. Joint resolution proposing amendments to the Constitution of the State of Alabama. Ordered to a second reading ; read second time, and referred to judiciary February 24.

Feb. 21. To provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties. Referred to internal improvements ; a joint resolution reported, providing for a joint committee to report at the next session of the General Assembly March 19 ; report favorable, with amendment, March 28.

Feb. 21. To prevent the wanton destruction of fish in the State of Alabama. Referred to internal improvements ; report favorable, bill amended, and passed March 23.

By Mr. GOODLOE—Continued.

1873.

Feb. 21. Supplementary to an act to incorporate the city of Tuscumbia, approved. December 14, 1865. Passed.

Feb. 25. To require the clerk and register of the court, of law and equity of Lawrence county to file, register and certify liens and mortgages in certain cases ; and for other purposes. Passed ; reconsidered, and referred to a select committee April 18.

March 5. To enlarge the powers of the Huntsville Agricultural and Mechanical association ; also, other associations of the same kind therein named. Referred to judiciary.

March 5. To amend section 2353 of the Revised Code. Referred to judiciary.

March 5. For the relief of J. G. Alexander, tax collector of Colbert county. Passed.

March 5. For the relief of James A. Barton, of Colbert county. Passed.

March 5. Regulating and fixing the salaries of public officers, and the per diem and mileage of members and officers of the General Assembly. Referred to finance and taxation ; substitute reported April 9.

March 5. To prohibit courts of county commissioners from levying a tax for county purposes upon the special State tax to provide a sinking fund. Referred to finance and taxation ; report favorable, and bill passed March 24.

March 19. Fixing the per diem and mileage of the county commissioners of Colbert county. Passed.

March 22. For the relief of Mountain Mills, in Colbert county, Alabama. Passed.

March 26. To amend section 2004 of the Revised Code of Alabama. Referred to judiciary.

March 29. To authorize the Governor of Alabama to dispose of, by sale or otherwise, the old canal known as the Muscle Shoals canal, and all the lands, timber, rock and iron belonging or appertaining thereto, and all the rights and privileges vested in the State of Alabama thereto. Referred to a select committee.

March 31. To authorize Thomas Masterson, administrator de bonis non of Peter Looney, late of Lawrence county, to sell the lands that belong to said estate. Passed.

By Mr. GOODLOE—Continued.

1873.

April 10. To protect the State against combinations and conspiracies to impede, hinder or prevent the enforcement of the laws of this State. Referred to a select committee.

April 10. For the relief of the minor heirs of William Mathews, late of Franklin county, deceased. Referred to judiciary.

April 15, To incorporate the town of Wheeler, in Lawrence county. Passed.

By Mr. HAMILTON—

1878.

Feb. 3. To enable the Mobile Marine Dock company to surrender and dissolve its charter of incorporation. Referred to judiciary ; substitute reported, and ordered to a third reading February 7 ; passed February 26.

Feb. 3. To pay C. T. Steams, register, and Stephen. Moore, receiver of. the land office at Mobile, for the final location of certain overflowed and swamp lands, according to the provisions of acts of Congress therein recited. Referred to finance and taxation ; withdrawn. March 4.

Feb. 3. To regulate the rate of interest in this State. Referred to judiciary, and ordered to be printed ; report favorable, with amendments, February 25 ; ordered to a third reading March 12 ; passed March 15.

Feb. 3. For the relief of E. B. Lott, tax collector of State taxes for the county of Mobile. Passed.

Feb. 3. To amend section 12 of an act entitled an act to incorporate the Mobile and Ohio Railroad company, approved February 3, 1848. Passed.

Feb. 4. To carry into effect article 14, sections 1, 2 and 4 of the Constitution of this State. Referred to judiciary ; report adverse Feb. 26.

Feb. 6. For the relief of John B. Davis, late tax collector of Greene county. Referred to finance and taxation ; report adverse, and concurred in February 8.

By Mr. HAMILTON—Continued.

1873.

Feb. 8. To prevent, in the city of Mobile, the sale of spirituous or vinous liquors within three hundred yards of any building used for public worship. Referred to local legislation ; report adverse, and concurred in February 10.

Feb. 10. To authorize the Governor, with the advice of the Attorney General and Secretary to State, to fix the time of holding the circuit and chancery courts of this State. Referred to judiciary.

Feb. 10. To amend section 3 of an act entitled an act to amend the charter of the Mobile Trade company, approved December 8,1866. Referred to local legislation ; reported back, with recommendation, March 28.

Feb. 10. Memorial of the National Board of Trade relative to the protection of the use of the telegraph. Referred to judiciary.

Feb. 10. Memorial of the National Board of Trade of the United States relative to the inspection of articles of merchandise, under State authority. Referred to Federal relations.

Feb. 13. To amend section 2 of an act entitled an act to incorporate the Mechanics' Saving company, of Mobile. Referred to Federal relations ; report favorable February 20 ; recommitted, with amendments, February 23 ; report favorable, and bill ordered to a third reading March 11; passed March 20.

Feb. 15. To amend section 2523 of the Revised Code. Passed.

Feb. 17. Memorial for the mayor, aldermen and common council of the city of Mobile, asking an appropriation for the public hospital of that city. Referred to municipal and county organizations.

Feb. 19. To regulate the practice in cases of applications. for mandamus in the courts of this State inferior to the Supreme Court. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 19. To authorize the city of Mobile to issue bonds. Referred to municipal and county organizations ; substitute reported, and bill passed. March 5.

By Mr. HAMILTON—Continued.

1873.

Feb. 26. To amend section 4207 of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 26,. For the relief of Robert A. McTyer and Mary F. Brady. Passed.

March 1. To amend 3d section of an act entitled an act to amend certain sections of the Revised Code, viz: sections 3833, 3834, 3836, 3837, 3839, 3853, 3855, 3856, article 2, chapter 5, title 2; part 4, approved February 26, 1872. Referred to penitentiary, prisons and punishments.

March 1. To require all persons convicted of a felony, and sentenced to hard labor, perform such hard labor as other convicts in the State penitentiary . Referred to penitentiary, prisons and punishments.

March 3. To regulate proceeding's in the probate court in cases where the estate of a deceased party is interested, and such estate has no executor or administrator, or he is interested adversely thereto. Referred to judiciary.

March 15. To amend an act to incorporate the Mobile Magnolia association, and to amend an act entitled an act to authorize the construction of a plank or shell road along the bay of Mobile, approved February 10, 1854, and the amendments thereof, approved January 6, 1856, and January 20, 1854. Referred to internal improvements; report favorable, and bill passed March 23.

March 19. To amend section 1652 of the Revised Code of Alabama, so as to authorize associations to establish offices of discount and deposit, as well as offices of discount, deposit and circulation . Referred to Federal relations; report favorable, and bill passed March 24.

March 19. To amend the charter of the Alabama and Georgia Railroad company, and invest it with authority to elect its officers and directors whenever the amount of the subscription to its capital stock shall be sufficient to complete the grading of the said road from the western terminus of Memphis Railroad company, of Georgia, to or near Cornwall Iron.

By Mr. HAMILTON—Continued.

1873.

Works in Alabama, and to validate its action. Referred to internal improvements ; report favorable, with amendment, and bill passed March 28.

March.21. To consolidate the fund derived from fines and forfeitures with the general fund of the county of Sumter. Passed.

March 22. In relation to the corporation known as the Mobile Theandric. Referred to internal improvements ; report favorable, and bill passed March 23.

March 24. To provide for the payment of the teachers of the free public schools. Referred to finance and taxation ; report adverse, and concurred in March 26.

March 24. (Reported.) For the protection of the use of the telegraph within the State of Alabama. Passed.

March 26. Joint resolution authorizing the appointment of a committee in relation to the river and harbor of Mobile. Adopted.

March 29. Regulating judgment entries in trials by juries. Passed.

March 29. To repeal an act to provide for the improvement of the river, harbor and bay of Mobile, approved July 19, 1867. Passed.

April 2. (Reported.) Imposing additional duties upon the State Treasurer and Auditor. Passed.

March 3. To require the publication of the acts of the Board of Education with the acts of the General Assembly. Passed.

April 4. Joint resolution to pay Charles Steers for work done in Senate chamber. Passed.

April 4. (Reported.) To add another section to article live, chapter three, title two, part three, of the Revised Code, to be designated as section 3060a. Passed.

March 8. (Reported.) To regulate the further proceedings of the board for the improvement of the river, harbor and bay of Mobile, established by an act to provide for the improvement of the river, harbor and bay of Mobile, approved. February 16, 1867. Passed.

April 12. To amend section 4212 of the Revised Code of Alabama. Referred to judiciary.

By Mr. HARALSON—

1872.

Dec. 3. To provide counsel for pauper criminals in Mobile county.

Dec. 5. To abolish all boards of trade in the several cities of this State. Referred to counties and county organizations.

Dec. 6. For the relief of the Alabama Central Railroad. Referred to finance.

Dec, 10. To amend section 22 of "an act to regulate elections in this State," approved October 8, 1868. Referred to privileges and elections.

Dec. 10. To amend section 35 of "an act to regulate elections in this State," approved October 8,1868. Referred to privileges and elections.

Dec. 12. To amend section 4063 of the Revised Code of Alabama. Referred to judiciary.

1873.

Feb. 3. To repeal section 2961 of the Revised Code. Referred to judiciary; report adverse, February 4 ; concurred in, February 14.

Feb. .3. To amend section 22 of "an act to regulate elections in this State," approved October 8,1868. Referred to privileges and elections.

Feb. 3. To amend section 35 of "an act to regulate elections in this State," approved October 8,1868. Referred to privileges and elections.

Feb. 3. To repeal an act to amend the charter of the city of Selma, approved February 16, 1871. Referred to a select committee.

Feb. 3. To repeal subdivision 4 of section 957 (821) of the Revised Code. Referred to education; report adverse, and concurred in February 10.

Feb. 4. To amend an act to regulate the time of holding the circuit courts in the first judicial circuit. Referred to judiciary ; report adverse, February 7.

Feb, 4. To authorize the clerk of the criminal court of Dallas county to record conveyances. Referred to municipal and county organizations ; report favorable, and bill indefinitely postponed April 9.

Feb. 4. To consolidate the fine and forfeiture fund and the general fund of the county of Dallas. Referred, with amendment, to judiciary.

Feb. 4. To abolish all boards of trade in the several cities of this State. Referred to municipal and county organizations.

By Mr. HARALSON — Continued.

1873.

Feb. 7. Joint resolution to pay J. W. Jones for work done in repairing furniture in the Senate chamber. Referred to finance and taxation; report favorable, and bill amended and passed February 19.

Feb. 7. To codify and revise the statute laws of the State of Alabama, of a general and public nature. Refered to judiciary; report: favorable, with amendments, and bill passed March 11.

Feb. 8. To secure to the different counties of the State a proportional share of the public school money. Referred to education ; report favorable, with amendment, and bill ordered to a third reading February 10 ; passed March 11.

Feb. 8. To amend section 4063 of the Revised Code of Alabama. Referred to judiciary.

Feb. 8. To make the fees of the late sheriff of Dallas county payable out of the general fund of said county. Referred to municipal and county organizations : report favorable, with amendment, and bill passed February 21.

Feb. 10. To enlarge the rule of evidence in favor of defendants in certain criminal prosecutions in the courts of this State, whenever it is probable that the offense charged is connected with some injury to the reputation, character, virtue or person of a woman. Referred to judiciary ; report adverse, and concured in April 10.

Feb. 10. To regulate the fees of sheriffs for serving subpoenas on witnesses summoned to appear before the grand jury. Referred to judiciary.

Feb. 10. To declare Mrs. Mina Buhler, wife of Lewis Buhler, of Dallas county, a free dealer. Referred, with amendments, to municipal and county organizations ; report favorable, March 8 ; laid on the table March 10 ; taken from the table, amended, and passed March 10.

Feb. 11. For the relief of the Alabama Central Railroad. Referred to finance and taxation ; report favorable, and bill ordered to a third reading February 19 ; passed March 11.

By Mr. HARALSON—Continued.

1873.

Feb. 11. To make all living in concubinage, or any cohabitation in sexual commerce between a man and woman in this State, a marriage of the persons so living or cohabiting. Referred to judiciary ; report adverse, and concurred in April 10.

Feb. 11. To aid in the suppression of the vice of irregular sexual commerce between a man and woman not regularly married. Referred to judiciary ; report adverse, and concurred in April 10.

Feb. 11. To define the rights of children born and begotten out of lawful wedlock in this State. Referred to judiciary ; report adverse, and concurred in April 10.

Feb. 12. To authorize the judge of the city court of Montgomery to appoint a prosecuting attorney for the said city court of Montgomery. Referred to judiciary.

Feb. 12. To regulate grand and petit jurors in this State. Referred to judiciary; substitute reported, and bill passed March 31.

Feb. 12. To prohibit the dealing in State claims by public officers. Referred to judiciary ; substitute reported, and bill ordered to a third reading February 25 ; passed March 11.

Feb. 12. A petition. Referred to judiciary.

Feb. 15. To amend section 1386 of the Revised Code of Alabama. Referred to judiciary.

Feb. 19. For the relief of Mary C. Beach, wife of Geo. F. Beach, of the city of Selma, county of Dallas. Referred to judiciary ; substitute reported, and passed February 25.

Feb. 19. To protect all citizens of the State of Alabama in their civil rights, and to furnish the means for their vindication. Referred to judiciary ; Substitute reported February 28 ; passed April 4.

Feb. 21. To protect school teachers in their claims. Referred to education; report adverse, and concurred in February 26.

Feb. 21. To amend section 2 of an act entitled an act to incorporate the Selma Savings association. Referred to federal relations ; report favorable, and bill ordered to a third reading March 11 ; passed March 20.

By Mr. HARALSON—Continued.

1873.

Feb. 25. Joint resolution in relation to printing. Adopted.

Feb. 26. Explanatory of an act entitled an act to establish revenue laws for this State. Referred to finance and taxation.

March 1. To prevent the selling of vinous or spirituous liquors within one mile of Marion Junction, on the Alabama Central railroad, county of Dallas. Referred to local legislation ; report favorable, and bill passed March 12 ; reconsidered, and recommitted March 12.

March 11. Joint resolution to pay J. R. Wing. Referred to finance and taxation.

March 17. To fix the official bond of tax collector of the county of Dallas. Referred to finance and taxation ; report favorable, and bill passed March 24.

March 19. To define and regulate the mode of punishment of persons convicted of criminal offences in this State. Referred to penitentiary, prisons and punishments.

March 20. Joint resolution to pay Williamson and Johns for work done in the Senate chamber. Passed.

March 23. To authorize the judges of the circuit, criminal. or city courts having criminal jurisdiction, to remove the solicitor of such courts for incompetency, or malfeasance. Referred to judiciary; report favorable, with amendments, and bill passed April 10.

March 23. To repeal an act entitled an act to regulate the appointment of receivers in chancery. Referred to judiciary; report favorable,, and. bill passed March 26.

March 23. To regulate the settlements of executors, administrators and guardians. Referred to judiciary.

March 23. To regulate attorneys' fees in certain cases. Ordered to a third reading.

March 26. In relation to the fine and forfeiture fund of Dallas county. Passed.

March 27. Joint resolution to pay James Hale for work done in the Senate chamber. Passed.

By Mr. HARALSON—Continued.

1873.

March 31. To appropriate six hundred dollars for the purpose of distributing the acts of the present session of the General Assembly, and the journals of the Senate and House of Representatives. Passed.

April 3. To amend section 2562 of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill passed April 10.

April 4. Petition from sundry citizens of Dallas county relative to extending the jurisdiction of justices of the pi-ace in criminal cases, so as to cover all petty offences. Referred to judiciary.

April 10. For the relief of Amanda Holmes and others, as sureties of J. S. C. Timberlake, late tax collector of Dallas county, on his official bond. Referred to finance and taxation.

By Mr. HARRIS—

1872.

Dec. 3. To repeal an act approved December 16, 1871, entitled an act to re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad company, approved February 21, 1846. Reported back, and recommitted to internal improvements February 17 ; report favorable, and bill passed February 19.

Dec. 3. To change the boundary line between the counties of Barbour and Russell. Referred to a select committee.

1873.

Feb. 4. To change the line between the counties of Barbour and Russell. Referred to municipal and county organizations ; report favorable, and bill ordered to a third reading February 10 ; passed March 7.

Feb. 4. To repeal an act to establish a criminal court in the county of Russell, with criminal and civil jurisdiction, approved February 26, 1872. Referred to judiciary ; report favorable, and bill ordered to a third reading February 8 , passed March 7.

By Mr. HARRIS—Continued.

1873.

Feb. 4. To repeal in part an act approved December 16, 1871, entitled an act to re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad company, approved January 31, 1846. Referred to judiciary.

Feb. 4. To reorganize the eighth Judicial circuit. Referred to a select committee.

Feb. 6. For the relief of Russell county. Referred to municipal and county organizations ; report adverse, and concurred in February 10.

Feb. 6. To authorize the commissioners court of Russell county to provide for the payment of the indebtedness of said county. Referred to municipal and county organizations ; report adverse, and concurred in February 10.

Feb. 6. To incorporate the town of Tuskegee, in the county of Macon, and for other purposes. Referred to municipal and county organizations.

Feb. 6. For the relief of the executors of Thomas H. Ragland, deceased. Passed.

Feb. 6. To establish the thirteenth judicial circuit of Alabama. Referred to a select committee.

Feb. 7. To regulate the publication of legal notices in the county of Russell. Passed.

March 23. For the relief of John T. Ware, sheriff of Russell county. Referred to finance and taxation.

March 29. To authorize Catharine McCardle, of Muscogee county, in the State of Georgia, to administer upon the estate of Felix McCardle, late of Russell county, Alabama. Passed.

By Mr. HEWITT—

1873.

Feb. 1. To amend sections 3, 4, 5 and 7 of an act entitled an act in relation to the Southern Express company, approved February 26,1872. Referred to judiciary ; substitute reported March 15 ; substitute adopted, and ordered to a third reading March 20.

By Mr. HEWITT—

1873.

Feb. 1. To amend an act entitled an act to repeal an act entitled an act to authorize the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and an act entitled an act to amend the same, approved October 10, 1868. Referred to local legislation ; report favorable, and bill ordered to a third reading February 10 ; passed April 15.

Feb. 1. To economize the public printing, and to repeal section 123 of the Revised Code. Referred to public printing ; report favorable February 25 ; passed February 26.

Feb. 1. To repeal an act entitled an act to authorize the publication of the laws of Alabama, approved October 10, 1868, and an act entitled an act to amend the same, approved December 19, 1871. Passed.

Feb. 4. To better secure the payment of mechanics and others for their labor and materials furnished. Referred to judiciary; report favorable ; and bill passed March 15.

Feb. 4. To repeal an act entitled an act to relieve the disabilities of persons against whom a divorce from the bonds of matrimony has been decreed, approved February 7, 1870. Referred to judiciary ; report favorable, and bill ordered to a third reading February 7 ; passed February 26.

Feb. 4. To amend first section of an act entitled an act to fix the time of holding the circuit court in the third judicial circuit of Alabama, approved December 12, 1871. Referred to judiciary; report favorable, and bill passed February 7.

Feb. 4. To confer jurisdiction upon the several probate courts of this State of certain estates therein named. Referred to judiciary ; substitute reported February 18.

Feb. 4. To regulate elections in Alabama. Ordered to a second reading.

Feb. 4. To submit to the vote of the people of Jefferson county the question of the removal of the courthouse from Elyton to Birmingham, and in case the people decide in favor of such

By Mr. HEWITT—Continued.

1873.

removal, empowering the court of county commissioners of said county to erect the courthouse and other public buildings at Birmingham, and authorizing said court, in order to raise means for that purpose, to issue bonds of said county upon certain conditions therein named. Referred to a select committee ; report favorable, and bill passed. February 6.

Feb. 4. To amend section 3736 of the Revised Code of Alabama. Referred to judiciary ; report favorable, February 18 ; read third time, February 20 ; passed February 21.

Feb. 4. To amend sections 4339 and 4340 of the Revised Code of Alabama. Referred to judiciary.

Feb. 4. To amend section 87 of the revenue law of 1868. Referred to judiciary ; report favorable, and bill ordered to a third reading February 19 ; passed March 11.

Feb. 4. To repeal sections 97, 98, 99, 100 and 101 of the revenue law of 1868. Referred to finance and taxation.

Feb. 4. To amend the charter of the Elyton, Corinth and Tennessee River Railroad company. Referred to internal improvements ; report favorable, and bill ordered to a third reading February 8; reconsidered, bill amended, and passed February 12.

Feb. 5. Petition from sundry citizens of the counties of Jefferson, Walker and Blount for the formation of a new county out of certain territory therein described. Referred, with instructions, to municipal and county organizations; report adverse, and concurred in February l0.

Feb. 6. To prevent the evil practice of duelling. Referred to judiciary ; report favorable, and bill ordered to a third reading February 8 ; passed March 7.

Feb. 7. For the protection of sheep. Referred to judiciary ; report favorable, with amendment, February 18 ; ordered to a third reading February 19 ; passed March 11.

By Mr. HEWITT--Continued.

1873.

Feb. 7. To repeal section 60 of the Revised Code of Alabama. Referred to judiciary ; report that it lie on the table, and concurred in February 18.

Feb. 7. Explanatory of the corporation laws of Alabama. Referred to a select committe ; report favorable, and bill passed February 25.

Feb. 8. To appropriate the taxes collected of the citizens of Birmingham upon licenses, to the public school fund of said city. Referred to education ; report favorable, and bill ordered to a third reading February 10 ; recommitted to education March 11.

Feb. 10. To amend the sixth section of an act entitled an act to incorporate the city of Birmingham, approved December 19, 1871. Referred to municipal and county organizations ; report favorable, with amendment, and bill passed March 8.

Feb. 11. To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as the same relates to the counties of Walker, Jefferson and St. Clair. Amended and passed.

Feb. 21. To require the Governor to appoint two commissioners to examine and audit certain claims against the State therein mentioned. Referred to judiciary.

Feb. 26. To amend section 4343 of the Revised Code of Alabama. Referred to judiciary.

Feb. 26. A petition from J. Bagley. Referred to municipal and county organizations.

March 6. To authorize the payment of certain money into the State treasury. Referred to privileges and elections ; report favorable, and bill laid on the table April 9.

March 6. To regulate the manner of finding and endorsing indictments by the grand jury in cases. of murder. Referred to judiciary.

By Mr. HEWITT—Continued.

1873.

March 6. To repeal an act entitled, an act to suppress murder, lynching, and assault and battery, approved December 28, 1868, so far as the same relates to the counties of Walker, St. Clair and Jefferson. Passed March 8.

March 8. To repeal an act entitled an act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Chambers. Amended and passed.

March 8. To authorize O. D. and A. S. Cook, as administrators of the estate of W. R. Cook, deceased, and late of St. Clair county, to sell the lands of said estate at private sale, without an order of court. Referred to privileges and elections; report favorable, and passed March 31.

March 12. To authorize David L. Brooks, administrator of the estate of Abraham W. Brooks, deceased, to sell the lands of said estate at private sale. Referred to privileges and elections; report favorable, and bill passed April 9.

March 12. To authorize W. J. McDonald, of Jefferson county, to sell certain real estate therein mentioned, belonging to his ward. Referred to privileges and elections.

March 12. To regulate the fees of the several judges of probate of this State, in certain cases therein mentioned. Referred to finance and taxation; report favorable, and bill passed March 24.

March 12. In relation to the charter of the town of Elyton, in Jefferson county. Referred to municipal and county organizations; report favorable, and bill passed April 9.

March 22. To amend section first of the charter of the Elyton Land company, in Jefferson county, Alabama, incorporated under the general laws of this State. Passed.

April 3. In relation to the public schools of the city of Birmingham, Alabama. Passed.

April 10. To enable the minor grand children of James M. Kitchens, sr., deceased, to sell and convey

By Mr. HEWITT—Continued.

1873.

their interest in and to the lands devised to them, to John Brown, of the county of Walker, in this State. Referred to local legislation.

April 19. To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb. Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, go far as the same relates to the county of Jefferson. Amended and passed.

By Mr. JONES—

1872.

Dec. 10. To repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county, approved December 31, 1868. Referred to judiciary.

1873.

Feb 4. To incorporate the town of Hayneville, in the county of Lowndes, in this State. Referred to municipal and county organizations.

Feb. 4. To repeal an act entitled an act for the protection of plantations and lands against the depredation of stock in Lowndes county, Alabama. Referred to local legislation: substitute reported, and report and substitute tabled March 10 ; substitute offered by Mr. Jones was adopted, and bill passed March 20.

Feb. 15. For the relief of H. W. Caffey, superintendent of education, Lowndes county, Alabama, Referred to education ; report adverse, and concurred in February 26.

Feb. 15. To establish an election precinct in the county of Lowndes, to be known as Calhoun precinct. Referred to local legislation ; report adverse, and concurred in March 12.

Feb. 17. To provide for holding an election for mayor and councilmen in the town of Hayneville, in Lowndes county, in this State. Passed.

Feb. 25. For the relief of H. W. Caffey, of Lowndes county. Referred to education ; report adverse, and concurred in April 19.

By Mr. JONES—Continued.

1873.

March 1. To amend section 1353 (1169) of the Revised Code of Alabama, so far as it applies to Lowndes county. Passed.

March19. To regulate the agencies of insurance companies doing business in Alabama. Referred to federal relations.

March 23. For the relief of H. W. Caffey. Referred to finance and taxation. Report favorable, and bill passed April 9.

April 15. To repeal section 9 of an act for the protection of plantations in Lowndes county, Alabama, from the depredation of stock, so far as the incorporated town of Lowndesboro is concerned. Passed.

April 15. To confirm the sale of certain lands therein named, made by Anna Whitten to Charles H. Whitten, of Lowndes county. Referred to finance and taxation.

April 19. To exempt the judge of probate, register in chancery, and attorneys of Lowndes county, from the provisions of an act entitled an act to prohibit attorneys in certain cases from practicing their professions in the probate and chancery courts, approved February 11, 1871. Referred to a select committee.

By Mr. LEFTWICH—

1873.

Feb. 10. To prevent the sale of agricultural products in Greene county between sunset and sunup, unless the purchaser shall keep a record of the seller, article purchased and price given for the same. Amended ; and referred to privileges and elections ; report favorable, with amendment, February 14 ; recommitted to judiciary February 17 ; substitute reported, and bill ordered to a third reading March 15.

By Mr. LITTLE—

1873.

March 5. To authorize William O. Winston, administrator of the estate of Turner Reavis, deceased, and his successors in said office, to sell the library and lands of said intestate at public or private sale. Passed.

By Mr. LITTLE—Continued.

1873.

March 18. To authorize the chancellor of the western chancery division, 4th district, to ratify and confirm the sale of lands made by J. J. Little to C. M. A. Rogers, and to order the administrators of J. J. Little to make title to the same. Passed.

March 18. To amend section 3016 (2587) of the Revised Code of Alabama. Referred to judiciary ; report favorable, and bill passed March 24.

March 18. To exempt 80 acres of land from taxation for the period of five years, to every person who is now a non-resident of the State of Alabama and who moves into the State of Alabama from any other State, territory or county, and become bona fide purchasers, settlers and residents on said lands. Referred to judiciary.

March 18. To relieve Sarah Tartt, a minor, of Sumter county, of the disabilities of non-age, and to authorize her to make a final settlement with her guardian. Referred to privileges and elections.

March 26. To relieve Anna B. and Jennie W. Isbell, minors, of Sumter county, from the disabilities of non-age, and to authorize them to sell and convey their interests in lands in which they are interested, and do any other act they could do if they were twenty-one years of age. Referred to privileges and elections.

March 26. To authorize the commissioners court of Sumter county to levy a tax, not to exceed 50 per cent. on the county tax of said county, to provide a sinking fund to pay the debt of said county. Passed.

March 28. To prohibit the judges of the probate courts of this State from appointing any clerk, employee, or any person connected with the office of judge of the probate court, as guardian ad litem, in any case. Amended, and passed.

March 29. To amend section 1 of an act entitled an act to authorize the Governor to appoint a commissioner to investigate and audit certain

By Mr. LITTLE—Continued.

1873.

claims therein mentioned against the State of Alabama on account or the Alabama and Chattanooga Railroad, approved March 28, 1873. Referred to judiciary.

March 29. To declare Mrs. Mary G. Pharres, wife of J. W. Pharres, of Sumter county, a free dealer. Referred to privileges and elections.

April 11. To make the amount allowed to the sheriff of Choctaw county, for ex-officio services, a preferred claim against the county. Passed.

April 15. For the relief of Mrs. Lucinda Bunkley, widow of Gordon Bunkley, deceased, and administratrix of his estate. Passed.

April 17. To authorize any citizen of the State of Alabama to sue the State on claims against the State on account of the Alabama and Chattanooga Railroad. Indefinitely postponed.

By Mr. MARTIN—

1873.

Feb. 3. To exempt all the widows of this State, who do not own more than ten thousand dollars worth of property, from taxation. Referred to finance and taxation ; report adverse, and concurred in February 27.

Feb. 3. For the relief of William S. Freeman. Referred. to finance and taxation ; report adverse, and concurred in February 8.

Feb. 3. To encourage the investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad company bonds and stock, and thereby promote the development of the resources of the State of Alabama. Referred to internal improvements.

Feb. 3. Joint resolution authorizing payment for public printing done for the separate organizations of the General Assembly prior to the reorganization under the plan proposed by the Attorney General of the United States. Passed.

Feb. 7. To protect the rights of innocent purchasers in certain cases. Referred to judiciary ; substitute reported, and passed March 24.

Feb. 8. For the support of the State library. Referred to judiciary ; report adverse, and concurred in February 19.

By Mr. MARTIN—Continued.

1873.

Feb. 8. To incorporate the city of Tuskaloosa. Referred to municipal and county organizations ; report favorable, and bill passed February 15.

Feb. 8. Joint resolution to provide part payment of expenses by the commissioner to the Industrial Exposition at Vienna, to represent, in due form and style the State of Alabama and its resources, in accordance with the proclamation by the Governor, January 21, 1873. Referred to industrial resources and public buildings ; report favorable, and bill ordered to a third reading February 10 ; passed February 13.

Feb. 10. To define and regulate property exempt from sale under legal process or administration for the payment of debts. Referred to judiciary ; report favorable, with amendments, February 21 ; amended, and passed March 1.

Feb. 12. Joint resolution to provide for paying the expenses incurred by the Senate select committee in investigating the condition and management of the Alabama and Chattanooga Railroad. Referred lo a select committee ; substitute and bill passed February 20.

Feb. 13. To provide for the payment of the Board of Regents of the State University. Referred to education ; report favorable, and bill ordered to a third reading February 26 ; passed March 4.

Feb. 13. For the relief of the sureties of Samuel F. Beall, late tax collector of Tuskaloosa county. Passed.

Feb. 14. For the relief of Andy J. Tidwell, late tax collector of Fayette county. Referred to finance and taxation ; report adverse, and laid on the table March 24.

Feb. 14. To amend section 429 of the Revised Code. Referred to militia ; substitute reported March 8 ; substitute adopted, and bill passed March 10.

By Mr. MARTIN—Continued.

1873.

Feb. 17. To amend, section 9 of an act entitled an act to authorize the commissioners court of Tuskaloosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage, approved. December 4, 1871. Passed.

Feb. 17. To provide for the compensation of coroners in the county of Tuskaloosa. Amended, and passed.

Feb. 17. In relation to the fine and forfeiture fund of Tuskaloosa county. Referred to judiciary ; report favorable ; bill amended, and passed February 19.

Feb. 24. Joint resolution for the relief of the administrator of the estate of Newton L. Whitfield, deceased. Passed.

Feb. 25. In relation to orphan asylums in this State. Referred to municipal and county organizations ; report favorable, with amendment, March 8.

Feb. 25. To compel judges of probate to cause the minutes of the probate court to be written up, and papers recorded. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 27. For the relief of Nancy C. Stewart, of Etowah county. Referred, with amendments, to privileges and elections.

March 8. To remove the administration of the estate of Joel Hawkins, deceased, from the county of Marion to the county of Sanford. Passed.

March 8. To repeal section 3939 of the Revised Code of Alabama. Passed.

March 8. To amend section 3733 of the Revised Code of Alabama. Referred to judiciary.

March 8. To extend the jurisdiction of justices of the peace and notaries public. Referred to judiciary .

March 8. For the relief of Mary M. Allen, wife of George W. Allen, of the county of Macon. Referred to privileges and elections.

By Mr. MARTIN—Continued.

1873.

March 8. To amend an act entitled an act to amend the charter and change the name of the Montgomery Mechanical association. Referred to internal improvements ; report favorable, and bill passed March 20.

March 12. To promote the manufacture of rails and other manufactures for railway purposes within the State of Alabama. Referred to internal improvements; report favorable, with amendment, and bill passed April 17.

March 19. To provide for an amendment of article fourth of the Constitution of Alabama. Ordered to a second reading ; read a second time and referred to a committee of the two Houses, when raised, April 2 ; withdrawn from committee, and ordered to a third reading April 4 ; passed April 7.

March 29. To prohibit t lie sale of vinous, spirituous or malt liquors within two miles of the corporate limits of the city of Tuscaloosa and the University of Alabama. Referred to a select committee ; report favorable, with amendment, and bill passed April 14.

April 4. To amend an act to encourage the investment of money within the State by life insurance companies of other or foreign States. Referred to federal relations ; report favorable, and bill indefinitely postponed April 17.

April 9. To provide for substitution of records destroyed or lost by accident. Passed.

April 12. For the relief of James Middleton, late county superintendent of Fayette county. Passed.

April 17. To repeal an act to encourage the investments of money within this State by the insurance companies of other or foreign states, approved December 19, 1871. Passed.

By Mr. MILLER—

1872.

Dec. 10. To repeal an act to aid in opening and cleaning out the Big Escambia creek. Referred to internal improvements ; passed.

1873.

Feb. 7. To regulate bail in cases of misdemeanor. Referred to Judiciary.

By Mr. MILLER—Continued.

1873.

Feb. 7. To promote the purity of elections in this State. Referred to privileges and elections.

Feb. 8. To relieve Jacob Gilman, of Conecuh county, of the disabilities of non-age. Amended and referred to privileges and elections.

Feb. 15. To repeal an act to regulate the chancery courts in the fifth district of the southern chancery division of the State of Alabama, approved December 16, 1871. Referred to judiciary ; report favorable, and bill ordered to a third reading Feb. 18 ; passed March 11.

Feb. 26. For the relief of M. B. Kelly, of the county of Escambia. Referred to privileges and elections ; report adverse, and concurred in March 8.

Feb. 26. To amend sections two and four of the charter of the city of Greenville. Referred to municipal and county organizations ; report favorable, and bill passed March 8.

March 10. To incorporate the Greenville male and female high school of Butler county. Referred to judiciary.

March 10. To incorporate the town of Evergreen, Conecuh county. Passed.

March 26. To repeal section 1755 of the Revised Code of Alabama. Passed.

March 29. To amend the corporation laws of Alabama. Referred to internal improvements.

March 29. To amend section 1755, subdivision 3, Revised Code of Alabama. Referred to internal improvements.

March 31. To encourage the construction and operation of telegraph lines in the State of Alabama. Passed.

April 3. For the relief of E. M. Hughston, of Butler county. Passed.

April 3. Joint resolution to provide for the payment of a clerk for the joint financial committee. Passed.

April 7. To protect the interests and secure the State against loss growing out of her endorsement of the bonds of railroad companies. Referred to a select committee ; report favorable, with amendment, and bill passed April 8.

By Mr. MILLER—Continued.

1873.

April 21. To authorize William K. Parmer, as administrator de bonis non of the estate of Joseph M. Parmer, deceased, late of Butler county, to sell the lands of said estate. Passed.

April 21. To prevent the selling or giving away of vinous or spirituous liquors on the church lands belonging to Fairmount church, in Covington county. Passed.

April 23. To authorize Mary Sledge, administratrix of the estate of Henry Sledge, deceased, to sell certain lands. Passed.

By Mr. MURPHY—

1872.

Dec. 3. To authorize the court of county commissioners of Madison county to pay for fuel used in the offices of the probate judge, sheriff and clerk of the circuit court of said county.

Dec. 3. To change the time of holding the chancery courts of the 5th district, northern division, of the State of Alabama.

Dec. 3. To relieve B. F. Watkins of the disabilities of non-age.

Dec. 3. For the relief of Mrs. Ann Spragins, wife of Elias C. Spragins, deceased.

Dec. 3. To consolidate the fund of fines and forfeitures ; and the general fund of the county of Madison.

1873.

Feb. 3. To authorize the court of county commissioners of Madison county to pay for fuel used in offices of judge of probate, sheriff and clerk of the circuit court of said county. Report favorable, and bill ordered to a third reading February 8 ; passed March 7.

Feb. 4. For the relief of Mrs. Ann Spragins, wife of Elias C. Spragins, deceased. Referred to judiciary ; report adverse, and concurred in February 7.

Feb. 4. To amend section 2925 of the Revised Code of Alabama. Referred to judiciary ; substitute reported, and bill ordered to a third reading February 18 ; passed March 11.

Feb. 4. To relieve B. F. Watkins of the disabilities of non-age. Referred to judiciary.

By Mr. MURPHY—Continued.

1873.

Feb. 4. To change the time of holding the courts of chancery of the 5th district, northern division of the State of Alabama. Referred to judiciary.

Feb. 4. To repeal an act entitled an act to pay the board of equalization of Madison county, approved March 3 1870. Referred to finance and taxation ; report favorable, and bill passed February 19.

Feb. 7. To enable the Memphis and Charleston Railroad company to pay off and discharge its floating debt. Referred to internal improvements ; report favorable, and bill passed February 8.

Feb. 13. To re-enact subdivision 4 of section 957 of the Revised Code of Alabama. Referred to education ; report adverse, and concurred in April 19.

Feb. 14. To authorize the court of county commissioners for the county of Madison, and State of Alabama, to issue new bonds to pay off bonds of said county to fall due ——, 1874, and to levy a special tax to pay the interest on them. Referred to municipal and county organizations ; report favorable, and bill passed March 8.

Feb. 14. To enable the court of county commissioners for Madison county to raise by taxation a sinking fund to pay the bonds of said county. Referred to municipal and county organizations ; report favorable, and bill passed March 8.

Feb. 14. To punish the unlawful use of certain money to be raised by the court of county commissioners of Madison county. Referred to municipal and county organizations ; report favorable, and bill passed March 8.

Feb. 17. To exempt from State and county taxation the property of the Huntsville Agricultural and Mechanical association of Madison county. Referred, with amendment, to internal improvements .

By Mr. MURPHY—Continued.

1873.

Feb. 17. To authorize the commissioners court of Madison county to pay a certain claim therein mentioned. Referred to municipal and county organizations ; report favorable, with amendment, and bill passed March 8.

Feb. 25. For the relief of William B. Green, late tax collector of Madison county, in relation to the list of insolvencies and errors in assessments of taxes for said county, for the year 1870. Referred to finance and taxation ; report favorable, with amendment, and bill passed March 13.

Feb. 26. To authorize D. J. Burke, of Madison county, to peddle in goods, wares and merchandize, in the State of Alabama, without license. Referred to privileges and elections ; report adverse, and concurred in March 8.

Feb. 26. To incorporate the Huntsville Hunting Park company. Referred to municipal and county organizations.

March 12. To regulate proceedings in bastardy. Referred to judiciary ; substitute (to amend section 4396 of the Revised Code) reported, and passed March 24

April 21. To create the office of recorder of deeds and mortgages in the county of Madison. Passed.

By Mr. PARKS—

1873.

Feb. 6. To establish a court of chancery in Crenshaw county. Referred to judiciary.

Feb. 6. To allow any person whose property is alleged to have been injured or destroyed under sections 3733, 3734, 3735, 3736 and 3737 of the Revised Code of Alabama, to be a competent witness. Referred to judiciary ; report favorable, with amendment, and bill ordered to a third reading February 19 ; passed March 11.

Feb. 6. To distribute certain copies of Brickell’s Digest. Referred to privileges and elections ; report favorable, and bill ordered to a third reading February 11 ; passed March 11.

By Mr. PARKS—Continued.

1873.

Feb. 6. For the relief of Caswell Whittington and Calvin Whittington, of Pike county. Referred to privileges and elections ; report adverse, and bill recommitted to same committee, with amendments, February 18.

Feb. 7. To empower the register in chancery of the fourth district, in the southern chancery division of Alabama, to make reports of the sales of land made by a former register. Referred to judiciary ; report favorable, and bill ordered to a third reading February 18 ; passed March 11.

Feb. 11. To change the county line between the counties of Pike and Montgomery. Referred to municipal and county organizations ; report favorable, April 9 ; report and bill indefinitely postponed April 14.

Feb. 15. To regulate the practice in criminal proceedings in the courts of notaries public, justices of the peace, and in the courts of mayors, intendents or recorders, in incorporated cities and towns. Referred to judiciary.

Feb. 15. To require judges of probate to pay fees and charges to tax collectors out of the redemption money of lands bought by the State. Referred to finance and taxation ; report favorable, and bill passed March 24.

Feb. 15. For the relief of J. L. Davis and M. E. Davis, of Chambers county. Referred to privileges and elections ; report favorable, and bill passed February 18.

Feb. 19. To restrict the counties to a certain rate of taxation. Referred to finance and taxation ; report favorable, and bill passed April 9.

March 3. To amend the 15th subdivision of section three of an act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to finance and taxation.

March 3. To pay for the advertisement of land sold by the tax collector of Pike county and purchased by the State. Referred to finance and taxation ; report favorable, with amendment, and bill passed March 20.

By Mr. PARKS—Continued.

1873.

March 3. To authorize Emily A. Brunson, as administratrix of the estate of John W. Cowart, late of Pike county, deceased, to sell the lands of said decedent's estate at private or public sale, without an order of court. Passed.

March 3. Joint resolution to adjourn sine die on Saturday, the 15th instant.

March 5. For the protection of tax payers. Referred to a select committee ; report favorable.

March 13. To remove the administration of the estate of Greenberry B. Franklin, deceased, late of Butler county, from the probate court of the county of Butler to the probate court of Crenshaw county. Referred to judiciary ; report favorable, and bill passed March 24.

March 20. In aid of the public schools of the city of Troy-Referred to education.

March 30. To authorize the probate judge of probate court of Montgomery to approve a new bond, if required, of the administratrix of the estate of Gordon Bunkley, and executed in the proper amount and with the proper condition, by her and her three eldest children. Referred to judiciary.

March 20. To amend section one of an act entitled an act to incorporate the town of Georgiana, in Butler county. Referred to municipal and county organizations ; report favorable, and bill passed April 3.

April 15. To authorize Mrs. Mary J. Long, as administratrix of the estate of James B. Long, her deceased husband, to sell the lands belonging to said estate at private sale. Passed.

By Mr. PENNINGTON—

1872.

Dec. 4. To repeal an act entitled an act to establish a new charter for the city of Opelika. Passed.

Dec. 6. To authorize the presiding officer of the Senate and the speaker of the House of Representatives to administer oaths. Ordered to a third reading ; passed December 10.

Dec. 10. To facilitate the payment of taxes by the tax collectors of the several counties of this State. Passed.

Dec. 20. To maintain the credit of Alabama. Passed.

By Mr. PENNINGTON—Continued.

1873.

Feb. 6. To provide for representation of the State at the international exposition to be held at Vienna during the present year. Referred to industrial resources and public buildings.

Feb. 7. To provide for the payment of justices of the peace, notaries public, constables and marshals for services rendered by them in executing the criminal law. Referred to judiciary.

Feb. 7. To enforce the attendance of witnesses in criminal cases. Referred to judiciary.

Feb. 7. To repeal an act entitled an act to establish a new charter for the city of Opelika, approved March 3, 1870, and all acts amendatory thereto. Referred to local legislation ; report adverse, but not concurred in, and bill ordered to a third reading February 10 ; indefinitely postponed March 7.

Feb. 7. Joint resolution to pay J. W. Dereen, James T. Jones, William Miller, jr., and E. W. Martin, contestants in the Marengo and Butler and Conecuh senatorial contests. Passed.

Feb. 8. (Reported.) Joint memorial to the Congress of the United States asking an appropriation to continue the work of deepening the channels of navigation in the bay of Mobile. Adopted.

March 10. For the relief of Peter Menefee and Judy Menefee, of Lee county. Referred to judiciary ; report favorable, and bill passed Feb. 18.

Feb. 18. To enable married women to become free dealers. Indefinitely postponed.

Feb. 14. To create a lien in favor of railroad contractors. Referred, with amendment, to internal improvement ; report favorable, with amendment, and ordered to be printed March 28.

Feb. 17. To authorize the Governor to appoint some qualified person to edit and publish a revised edition of Prof. Tuomey's geological reports of the State. Referred to judiciary ; report favorable, with amendment, and bill passed March 4.

Feb. 17. (Reported.) Joint memorial to the Congress of the United States, for the opening of the Coosa river. Adopted.

By Mr. PENNINGTON —Continued.

1873.

Feb. 21. To repeal an act to prevent the selling of vinous liquors within one mile of Soule chapel, in the county of Chambers. Passed.

Feb. 26. Joint resolution in regard to appointing commissioners to confer and negotiate with commissioners appointed under authority of the legislature of Mississippi, concerning a rearrangement of the boundary lines of said State. Referred, with amendment, to federal relations ; substitute reported, adopted, and passed March 11.

Feb. 27. To authorize railroad companies chartered by this State to lease their roads. Referred to internal improvements ; report favorable, with amendment, and bill read a third time March 1 ; recommitted to a select committee March 11 ; reported a substitute, and bill passed March 14.

March 7. Joint resolution legalizing the official acts of the Auditor of State under the compromise proposed by the Attorney General of the United States. Referred to finance and taxation ; report favorable, and passed April 9.

March 13. (Reported.) More effectually to secure the State of Alabama against loss in consequence of its endorsements of railroad bonda. Read twice, ordered printed, and made special order ; referred to a select committee March 24 ; substitute reported and passed April 4.

March 19. For the relief of Susan Pauline Griffin and Letitia Hortense Griffin, of the county of Lee, of non-age. Referred to privileges and and elections.

March 26. To amend section 1 of an act entitled an act to protect the keepers, owners and proprietors of livery stables, approved March 8, 1871. Referred to judiciary ; report favorable, with amendment, and laid on the table, both report and bill, March 24 ; taken from the table, amended and passed April 10.

March 22. For the relief of Wm. M. Knight, tax assessor of Lee county. Referred to. finance and taxation.

By Mr. PENNINGTON—Continued.

1873.

March 23. To provide for the payment of the sheriff of Lee county, for certain services therein mentioned. Passed.

March 26. To enable the commissioner of industrial resources to enforce section 2, article 12, of the Constitution of this State. Referred to industrial resources and public buildings.

April 12. To create a lien in favor of railroad contractors. Ref erred to judiciary.

April 17. To provide a general law for the incorporation of societies for social and literary purposes. Referred, with amendment, to a select committee ; report favorable, with amendment, and passed April 18.

April 19. Joint resolution providing payment for copying the journals of the Senate and House of Representatives, and for distributing a portion of said journals. Passed.

By Mr. ROBINSON—

1873.

Feb. 8. To prevent the sale of spirituous liquors within one and a half miles of the Alabama and Georgia factory, in Chambers county. Passed.

Feb. 10. To fix the time of holding courts in the ninth judicial circuit. Referred to judiciary ; recommitted to a select committee February 18.

Feb. 10. To regulate appeal in this State. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 10. To repeal an act to amend an act entitled an act to establish revenue laws for the State of Alabama. Referred to finance and taxation.

Feb. 21. To protect the public bridge over the Ocillegee creek, in Chambers county. Referred, to internal improvements.

Feb. 21. To amend sections 1537, 1538, 1539, 1540 and 1541 of the Revised Code of Alabama. Referred to judiciary.

Feb. 21. To prevent the execution of fraudulent conveyances of property in this State. Referred to judiciary.

By Mr. ROBINSON—Continued.

1873.

Feb. 21. To require the judges of the circuit court and chancellors to alternate in holding the courts of this State. Referred to judiciary.

Feb. 21. To ratify certain acts, judgments, and other proceedings therein mentioned. Referred to judiciary ; report favorable, March 10 ; recommitted, with amendment, to same committee March 13 ; report adverse, and concurred in March 24.

Feb. 21. Joint resolution, providing for the adjournment of the General Assembly. Adopted February 24.

Feb. 27. Joint resolution to extend the present session of the General Assemby. Referred to a select committee ; report adverse, and concurred in February 28.

March 11. To fix the time of holding the chancery courts in the sixth district of the eastern chancery division, composed of the county of Macon. Referred to a select committee.

March 23. Joint resolution providing for the adjournment of the present session of the General Assembly of Alabama. Decided out of order.

March 23. Joint resolution providing that the General Assembly of Alabama adjourn sine die, on Monday, March 31, 1873, at 12 m. Adopted.

March 26. To repeal an act requiring justices of the peace in Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16, 1871, so far as the same relates to Chambers county. Passed.

April 18. To make it lawful for the sheriff of Calhoun county to execute all processes issued by courts of justices of the peace and notaries public, and receive the usual fees for the same. Passed.

April 18. To fix the fees of the justices of the peace and constables in Chambers county. Passed.

By Mr. ROYAL—

1873.

Feb. 3. To make Sarah E. Smith, wife of William Smith, of Bullock county, a free dealer. Passed.

By Mr. ROYAL—Continued.

1873

Feb. 11. To regulate the fees of the sheriff of Bullock county in certain cases. Passed.

Feb. 19. To amend the 12th and 22d sections of an act entitled an act to establish a criminal court for Bullock county, with criminal and civil jurisdiction. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 19. To enlarge the powers and duties of the clerk of the criminal court of Bullock county. Referred to judiciary ; report favorable, and bill passed March 24.

Feb. 19. To regulate the organization of grand juries of Bullock county. Referred to judiciary ; report favorable, and bill passed March 26.

Feb. 21. For the protection of agricultural laborers. Referred to revision of the laws ; report favorable, and bill recommitted to a select committee March 11 ; substitute reported, and bill passed March 12.

Feb. 26. To relieve W. A. Stewart, a man with but one leg, of Bullock county. Referred to municipal and county organizations.

Feb. 26. To incorporate the Phoenix Manufacturing company. Referred to internal improvements.

Feb. 28. To amend section 16 of an act entitled an act to establish a criminal court for Bullock county, with criminal and civil jurisdiction. Referred to judiciary ; substitute reported, and passed April 10.

By Mr. SNODGRASS—

1873.

Feb. 4. To authorize Elizabeth Hank, widow and administratrix of Solathial Hank, late of Jackson county, Alabama, to sell lands of decedent's estate. Referred to judiciary.

Feb. 4. For the relief of LaFayette Reid, of the county of Etowah. Referred to finance and taxation ; report favorable, with amendment, and bill passed February 19.

Feb. 6. To authorize Marian O. Hays, widow of James C. Hays, deceased, to sell certain real estate. Passed.

By Mr. SNODGEASS—Continued.

1873.

Feb. 11. To repeal sections 117 and 118 of an act of the revenue laws of Alabama, so far as they require newspaper publication. Referred to finance and taxation ; report adverse, and concurred in March 24.

Feb. 11. To change and define the county line between the counties of DeKalb and Cherokee. Referred to municipal and county organizations.

Feb. 21. For the relief of tax payers of the county of DeKalb. Referred to finance and taxation.

Feb. 26. To repeal an act therein named and described. Passed.

March 6. To authorize the Governor to grant and issue a patent to David Edwards, of Jackson county. Referred to nuance and taxation ; report favorable, and bill passed March 22.

March 6. To authorize the Governor to grant and issue a patent to David Fariss, of Jackson county. Referred to finance and taxation ; report favorable, and bill passed March 22.

By Mr. TERRELL—

1873.

Feb. 11. To change the name of Youngsville to Alexander City, and to incorporate the same. Referred to municipal and county organizations ; report favorable, with amendment ; and bill passed March 4.

Feb. 11. To repeal an act entitled an act to incorporate the town of Youngsville, in the county of Tallapoosa. Ordered to a third reading ; laid on the table March 11.

Feb. 11. To amend sections 2 and 6 of an act entitled an act to incorporate the town of Dadeville, in the county of Tallapoosa. Passed.

Feb. 12. To authorize Sarah E. Mitchell, of Tallapoosa county, to take letters of guardianship of her minor children upon entering into bond without sureties. Referred to local legislation ; report adverse, and concurred in March 15.

Feb. 13. To authorize D. W. Hodo to sell lands of his decedent at private sale. Referred to judiciary .

By Mr. TEREELL—Continued.

1873.

Feb. 13. To repeal an act entitled an act to amend an act entitled an act to establish revenue laws for the State of Alabama, approved February 9, 1870. Referred to finance and taxation .

Feb. 13. To authorize Maria Cotten, widow and relict of James W. Cotten, deceased, late of Coosa county, to sell and convey the real and personal property of said decedent. Amended, and referred to judiciary.

Feb. 14. To amend section 103 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868. Amended, and referred to finance and taxation .

Feb. 18. To relieve the Savannah and Memphis Railroad. company from illegal assessment of taxes for the year 1871. Referred to finance and taxation ; report favorable, and bill passed March 24.

March 8. To repeal an act entitled an act to remove the administration of the estate of Oliver P. Bessinger, deceased, late of Coosa county, from the court of probate of Coosa county to the probate court of Pike county, approved February 14, 1872. Passed.

March 8. To authorize probate courts to grant orders to executors, administrators and guardians, in certain cases, to sell real estate belonging to the estates of their decedents, or wards, at private sale. Referred to judiciary.

March 12. To authorize the counties of Coosa and Clay to issue bonds. Passed.

March 12. To authorize the purchase of land and mules for the State of Alabama, to be used in connection with the penitentiary. Read twice ; referred to penitentiary, prisons and punishments March 19.

March 18. To prevent the sale of spirituous liquors within three miles of the coal mines now being opened in section 8, township 16, range 2, west, Jefferson county. Referred to privileges and elections ; report favorable, and bill passed March 29.

By Mr. TEERELL—Continued.

1873.

March 18. To amend section 5 of an act entitled an act to create a new county of portions of Chambers, Tallapoosa, Macon and Russell, to be called the county of Lee, approved December 5, 1866. Referred to municipal and county organizations ; withdrawn from committee, and passed April 18.

April 21. To authorize the commissioners court of Coosa county to levy a tax for county purposes, not to exceed in amount the rate levied by the State. Passed.

April 22. To more effectually prevent lobbying in the capitol building in the city of Montgomery. Passed.

By Mr. WALTON—

1873.

Feb. 3. To regulate the sessions and practice in the circuit court of Clarke county. Referred to judiciary ; report favorable, and bill ordered to a third reading February 6 ; passed February 26.

Feb. 4. To make Mrs. Mary P. Ryan a free dealer. Referred to privileges and elections.

Feb. 4. To amend section 652 of the Revised Code of Alabama, so far as relates to the county of Choctaw. Referred to finance and taxation ; report favorable, and bill passed February 19.

Feb. 8. To authorize B. H. Warren, of Choctaw county, to redeem certain lands sold for taxes and purchased by the State. Referred to finance and taxation ; report favorable, and bill passed February 19.

Feb. 11. To authorize G. H. McKee, of the county of Choctaw, to redeem certain lands sold for taxes and purchased by the State. Referred to finance and taxation ; report favorable, and bill passed February 19.

Feb. 26, For the relief of certain persons in the county of Choctaw. Referred to privileges and elections ; report favorable, and bill passed March 8.

By Mr. WALTON—Continued.

1873.

Feb. 26. To amend, subdivision 49, section 112, of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868 Referred to finance and taxation.

March 10. For the relief of Seth J. Parker, tax collector of Clarke county. Passed.

March 14. For the removal of the seat of government from Montgomery, and for other purposes appertaining thereto. Referred to a select committee ; report favorable March 15.

March 22. To authorize the probate judge of Choctaw county to approve the official bond of Cannon Johnson, a justice of the peace of said county, and to legalize the official acts of said Johnson to September 1, 1872. Referred to judiciary.

March 29. To remove the voting precinct, in beat No. 3 of Choctaw county, now held at John Barton's, to Phillips' store. Passed.

March 29. To establish election precincts in the county of Washington. Referred to privileges and elections,

March 29. To authorize the court of county commissioners of the county of Washington to levy a special tax to pay the petit and grand jurors of said county. Referred to municipal and county organizations.

April 17. To authorize and direct the Auditor to draw his warrant on the treasurer for two hundred and seventy-five dollars, in favor of Joel White, of Montgomery county. Referred to finance and taxation ; report favorable, and bill passed April 18.

April 19. To regulate the fees of the clerk of the circuit court of Clarke county. Passed.

By Mr. WILSON—

1872.

Nov. 30. To relieve from the disabilities of non-ag Henry Franklin Shelby, of Lowndes county.

Dec. 3. To regulate and provide for the payment of the of solicitors fees in certain cases.

Dec. 5. To amend section 4341 and 4342 of the Revised Code of Alabama. Referred to judiciary.

By Mr. WILSON—Continued.

1872.

Dec. 6. To amend section 2 of an act of the General Assembly of Alabama, entitled an act to re-enact and amend an act entitled an act to incorporate the Alabama savings bank, of Montgomery, approved February 12, 1867. Referred to judiciary.

Dec. 20. To authorize the Governor of Alabama to sell and transfer all the property and franchises of the Alabama and Chattanooga Railroad company, bought for the State, at the sale under the order of the district court of the United States for the middle district of Alabama, on the 22d of April, 1872. Passed.

1873.

Feb. 4. For the relief of the sureties of William Falconer. Referred to the judiciary ; substitute reported, and bill ordered to a third reading February 18 ; passed March 11,

Feb. 4. To amend section 4341 and 4342 of the Revised Code of Alabama. Referred to judiciary ; report adverse, and concurred in February 19.

Feb. 4. To regulate and provide for the payment of the fees of solicitors in certain cases. Referred, with amendment, to judiciary ; report adverse, and concurred in February 4.

Feb. 4. For the relief of James Edwin Cogburn, of Montgomery county, from the disabilities of minority. Referred to privileges and elections.

Feb. 6. To repeal an act entitled an act to amend section 2961 of the Revised Code, approved March 8, 1871. Referred to judiciary.

Feb. 6. To pay P. J. Anderson and W. H. Dingley, register and receiver of the land office at Montgomery, for services rendered according to acts of Congress therein referred to Referred to finance and taxation ; withdrawn March 4.

Feb. 6. To continue in force an act entitled an act to re-enact and amend an act to incorporate the Alabama Savings bank, of Montgomery, approved February 12, 1867, with an amendment to the second section of said act. Re-

By Mr. WILSON—Continued.

1873.

ferred to federal relations : report favorable February 12 ; amended February 20 ; re-committed February 21 ; report favorable, and bill ordered to a third reading March 11 ; passed March 20.

Feb. 7. To make Caroline Oppenheimer a free dealer. Referred to privileges and elections ; report adverse, and bill recommitted to same committee February 18.

Feb. 10. To amend section 2335 of the Revised Code. Referred to judiciary ; report adverse, and bill and report laid on the table February 18.

Feb. 12. To amend section 55 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to finance and taxation ; report favorable, a substitute adopted, and recommitted to same committee February 15.

Feb. 15. To declare the meaning of an act to extend to the fire companies in the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1, 1870. Referred to municipal and county organizations ; report favorable, February 21 ; passed February 24.

Feb. 19. To authorize A. F. Elsberry, the administrator of Julius S. Alford, deceased, to sell the land, or parcels of land of said estate, at private sale, without making application, proof, and obtaining an order of same, as is usually done. Referred to local legislation ; report favorable, and bill passed March 12.

Feb. 19. To authorize the legal voters of the city of Gadsden, Etowah county, to elect five aldermen for said city. Passed.

Feb. 19. Declaring Margaret A. Hereford a free dealer. Referred to privileges and elections.

Feb. 19. To amend section 7 of an act to empower the Governor to appoint notaries public, approved August 11, 1868, so far as the same relates to the city of Montgomery. Passed.

Feb. 26. To encourage the publication of a new edition of Prof. Tuomey's reports on the geology of Alabama. Referred to judiciary ; report adverse, and concurred in March 4.

By Mr. WILSON—Continued.

1873.

Feb. 26. To require tax collectors to collect uncollected taxes which have been paid to the State or county by their predecessors in office. Referred to finance and taxation ; report favorable, and bill passed March 24.

Feb. 26. To authorize and require the clerk of the city court of Montgomery to set criminal cases, not capital, for particular days, and to summon the witnesses in each case for the day set for the trial thereof. Passed.

March 1. In relation to the fine and forfeiture fund of Montgomery county. Amended and passed.

March 4. To incorporate a medical college of the State of Alabama, at Montgomery. Referred to local legislation ; report ad verse, and concurred in March 12.

March 10. To admit American citizens who have studied law in the legal institutions of Prance, Germany or England, and who have been admitted to practice in the superior courts of either of these respective countries, to practice in the several courts of Alabama. Referred to judiciary.

March 10. To authorize the commissioners court of Montgomery county to settle with William Falconer, late tax collector of said county, and the sureties on his official bond. Referred to judiciary.

March 10. Authorizing the city council of Montgomery to condemn and purchase real estate, as therein provided. Referred to municipal and county organizations ; report favorable, and bill passed March 26.

March 10. To encourage the extension of railroads in the State of Alabama. Referred to internal improvements .

March 10. To regulate the sale of kerosene and other mineral or vegetable oils used for lights in the State of Alabama. Referred to local legislation ; report favorable, and laid on the table March 14.

March 11. For the relief of Goldthwaite, Rice and Semple. Referred to finance and taxation.

By Mr. WILSON—Continued.

1873.

March 19. For the relief of Harriet Billingslea, wife of Henry C. Billingslea, of Montgomery county, and. Mrs. Caroline Oppenheimer, wife of S. Oppenheimer, of Montgomery. Referred, to privileges and elections.

March 19. To maintain the faith of Alabama, which was practically pledged to the partnership association known as I. C. Moses & Co., in the act of the General Assembly entitled an act to establish the Mobile Charitable association for the benefit of the common school fund of Mobile county, without distinction of color, approved December 31, 1868, by securing to said partnership association the privileges and rights which said act purported to confer or grant, upon the terms therein disclosed. Referred to judiciary.

March 19. Supplementary to and explanatory of an act to supply justices of the peace and notaries public with forms of proceedings, approved March 1, 1871. Referred to judiciary ; substitute reported, and passed April 10.

March 19. For the relief of William Johnston, agent of C. A. Holt. Referred to finance and taxation.

March 19. To amend section two of an act to incorporate a medical college of the State of Alabama. Referred to local legislation ; report favorable, and bill passed March 28.

March 19. To enable the administrator, with the will annexed, of James D. Randolph, to sell at private sale, enough of the real estate of said estate to pay the debts of said estate. Passed.

March 22. Joint resolution contemplating the annexation of West Florida to the State of Alabama, by selling all that portion of her territory west of the Tombigbee river, including Mobile, to the State of Mississippi. Indefinitely postponed.

March 29. To amend the charter and constitution of the Montgomery Mutual Building and Loan association . Passed.

By Mr. WILSON—Continued.

1873.

March 31. To authorize the Southern Life Insurance company to do business and make investments of money in this State as a domestic life insurance company of Alabama. Referred to federal relations.

March 31. To alter and amend section one of an act to prescribe the mode of taking private property for railroads or other purposes, or for public use, approved March 1, 1871. Referred to judiciary ; substitute reported and bill passed April 1.

April 10. To amend section 4063 of the Revised Code of Alabama. Referred to judiciary.

April 22. To declare Harriet Billingslea, wife of Henry C. Billingslea, a free dealer, and to relieve her from the disabilities of coverture. Passed.

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OFFICERS AND MEMBERS

OF THE

GENERAL ASSEMBLY OF ALABAMA,

SESSION OF 1872 -73.

———————

NAME.	POSTOFFICE.	COUNTY.
McKinstry, A., Lt. Governor and President.. . }	Mobile	Mobile
Woods, M. L., Secretary. .	Birmingham	Jefferson.
Garrett, B. F. Ass't Sec'y.	Bradford	Coosa.
Chardavoyne, W. V. Engrossing Clerk.....}	Montgomery.....	Montgomery.
Graham, J. H. Enrolling Clerk .....}	Opelika	Lee
Clanton, W. H. Assist-...	Montgomery	Montgomery.
Clarke, R.C., Door-Keeper.	Wetumpka..	Elmore.
Woods, A. P., Page..... .	Birmingham	Jefferson.
Hails, C., Page.....	Montgomery..	Montgomery,
Sykes, S., Page.....	Montgomery.....	Montgomery,
Cothrun, W., Page.....	Centre	Cherokee.
Black, Jacob,...	Senator. . Eufaula	Barbour.
Carmichael, J. M..	“ Ozark	Dale.
Cobb, R. W.....	“ Helena	Shelby .
Coleman, Daniel..	“ Athens.....	Lauderdale.
Cooper, Thos. B..	“ Centre.	Cherokee
Cunningham, A..	“ Talladega	Talladega.
Curtis, A. H.....	“ Marion	Perry..
Dereen, J. W....	“ Demopolis.....	Marengo.
Doster, C. S. G...	“ Prattville.....	Autauga.
Driesbach, J. D..	“ Mt. Pleasant..	Baldwin .
Duskin, G. M....	“ Greensboro..... .	Hale.
Edwards, W. H..	“ Chepultepec.....	Blount.
Ervin, E. H.....	“ Camden	Wilcox.

NAME.	POSTOFFICE.	COUNTY.
Glass, W. W.	Senator Tuskegee	Macon.
Goodloe, J. C.	" Cherokee	Colbert.
Hamilton, Peter.	" Mobile	Mobile.
Haralson, Jere.	" Selma	Dallas.
Harris, W. B.	" Columbus, Ga.	Russell.
Hewitt, G. W.	" Birmingham	Jefferson.
Jones, J. W.	" Hayneville	Lowndes.
Leftwich. Lloyd.	" Falkland	Greene.
Little, Jr., Wm. G.	" Livingston	Sumter.
Martin, John M.	" Tuskaloosa	Tuskaloosa.
Miller, Jr.,Wm.	" Greenville	Butler.
Murphy. S. H.	" Huntsville	Madison.
Parks, W. H	" Troy	Pike.
Pennington, J. L.	" Opelika	Lee.
Robinson, J. J.	" LaFayette	Chambers.
Royal, B. F.	" Union Springs	Bullock.
Snodgrass, A.	" Scottsboro	Jackson.
Terrell, John A.	" Dadeville	Tallapoosa.
Walton, S.	" Desotoville	Choctaw
Wilson, A. P.	" Montgomery	Montgomery.

NAMES OF REPRESENTATIVES

AND THEIR POSTOFFICES.

NAME.	COUNTY.	POSTOFFICE.
Lewis E. Parsons, Speak'r.	Talladega .. .	Talladega.
Robert Barber, Clerk... . .	Montgomery.	Montgomery.
W. Y. Tamer, Ass't Cl'k.	Elmore	Wetumpka.
D. L. Dalton, Journ'l Cl'k.	Montgomery.	Montgomery.
S. Barnard, Asst. Jour. cl'k	Elmore	Wetumpka.
Phillip Joseph, Eng. Cl'k.	Mobile	Mobile.
W. H. Council, Assistant Engrossing Clerk..... }	Madison	Huntsville.
J. E. Harwell, Enrolling Clerk .....}	Montgomery	Montgomery.
F. M. Shouse, Assistant Enrolling Clerk.....}	Talladega.....	Talladega.
M. G. Candee, Doorkeep'r.	Wilcox	Camden.
S. D. Oliver, Sergeant-at-Arms .....}	Elmore	Wetumpka.
J. G. Oliver, Page.....	Elmore	Wetumpka.
Stephen Russell, Page... .	Montgomery....	Montgomery.
Thos. Abercrombie, Page.	Montgomery.	Montgomery.
Robert Cook, Page..... .	Montgomery.	Montgomery.
Anderson, D. C...	Mobile.....	Mobile.
Ash, George W.....	St. Clair.....	Ashville.
Barnett, S. H.....	Monroe	Monroeville.
Barrow, J. H.....	Chambers ...	West Point, Ga.
Barton, Jonathan	Winston	Larissa.
Boyd, R. K.....	Marshall....	Guntersville.
Brewer, Leroy	Mobile	Mobile.
Broadnax, C.....	Crenshaw .. .	Mount Carmon.
Brown, J. E..... .	Jackson	Scottsboro.
Brown, N. H..... .	Tuskaloosa...	Tuskaloosa.
Bruce, John	Wilcox	Prairie Bluff.

NAME.	COUNTY.	POSTOFFICE.
Carson, W. E.....	Lowndes	Mount Willing.
Chapman, J. C.....	Clarke	Point Jackson.
Clarke, T. J.....	Barbour	Clayton.
Clarke, P. G.....	Perry.....	Uniontown.
Clopton, N V.....	Butler	Greenville.
Cloud, N. B.....	Montgomery.	Montgomery.
Cochran, Henry.....	Dallas	Selma.
Cockrell, S. W.....	Greene.....	Eutaw.
Cowan, J. H.....	Jackson.....	Princeton.
Crawford, Daniel.....	Coosa	Rockford.
Corsbie. Samuel.....	Colbert.....	Alsboro.
Davis, C. H.....	Bullock	Union Springs.
Dotson, Mentor.....	Sumter.....	Livingston.
Dozier, John.....	Perry.....	Uniontown.
Draxler, Frank.....	Mobile..... .	Mobile.
Dustan, C. W.....	Marengo	Demopolis.
Elliott, A. M.....	Shelby.....	Columbiana.
Ellsworth, Hales.....	Montgomery.	Montgomery.
Fantroy, Samuel.....	Barbour	Eufaula.
Franklin, John N.....	DeKalb	Fort Payne.
Gillaspie, H. A.....	Blount.	Blountsville.
Goldsby, J. H..... .	Dallas	Fords.
Greene, J. K.....	Hale.....	Greensboro.
Greene, R. J.....	Jefferson..... ..	Irondale.
Gresham, J, B.....	Pickens	Carroll ton.
Hamilton, A. J.....	Marion..	Pikeville.
Hannon, J. B.	Elmore.....	Wetumpka.
Hawking, T. C.....	Greene.....	Haysville.
Howell, W. P.	Cleburne....	Oak Level.
Hunter, W. H.	Lowndes....	Hayneville.
Johnson, R. L.....	Dallas	Selma.
Jones, Samuel G..... .	Lee.....	Youngsboro.
Jones, Reuben.	Madison	Huntsville.
Kelly, E. D.....	Walker.... .	Eldridge.
Lamb, John	Limestone...	Athens.
Lawrence, G. W..... .	Cherokee... .	Gaylesville.
Lee, C. S.	Coffee.....	Elba.
Levey, J. M.	Montgomery.	Montgomery.
Lewis, G. S. W.	Perry	Uniontown.
Lovvorn, W D.	Randolph.. .	Lamar.
McAfee, N. S.	Talladega...	Talladega.
McCaskie, T. D.	Wilcox	Camden.
McCoy, H. R.	Chambers...	Milltown.
McHugh, John H.	Mobile.....	Mobile.
Mancill, E. J.	Covington...	Andalusia.

NAME.	COUNTY.	POSTOFFICE.
Manning, A. R.....	Mobile.....	Mobile
Masterson, Thomas	Lawrence	Courtland.
Mathews, Perry	Bullock	Union Springs.
Maull, January.....	Lowndes	Benton.
Millen, G. R.....	Russell	Fort Mitchell.
Merriwether, Willis.....	Wilcox	Prairie Bluff
Moss, J. M.	Madison	Huntsville.
Murfree, Joel D.....	Pike	Troy.
Musgrove, W. A.....	Fayette	Palo..
Patterson, S. J.....	Autauga	Autaugaville
Patterson, George.....	Macon	LaPlace.
Peddy, Thomas B.....	Lee.....	Loachapoka..
Purcell, H.....	Henry	Columbia.
Reed, Robert.....	Sumter	Belmont.
Reese, B. W.....	Hale	Greensboro.
Renfro, J. M.....	Calhoun	Jacksonville.
Simpson, John S.....	Lawrence	Courtland.
Slater, J. A.....	Choctaw	Butler.
Smith, J. N.....	Bibb	Centerville.
Smith, W. G. W.....	Morgan	Forkville.
Smith, H. P.	Tallapoosa	Young’s Road
Speed, L. S.....	Bullock	Union Springs.
St. Clair, Henry.....	Macon	Tuskegee.
Stallworth, Nicholas	Conecuh	Evergreen
Steel, James W.	Madison	Huntsville
Steel, Lawson.....	Montgomery ..	Mount Meigs.
Stone, Lewis M.....	Pickens	Carrollton.
Stribling, William	Washington	St. Stephens.
Taylor, B. F.....	Lauderdale	Centre Star.
Taylor, William	Sumter	Belmont.
Threat, F. H.....	Marengo	Demopolis.
Thomas, B. R.....	Marengo	Uniontown.
Treadwell, J. R.....	Russell	Hurtville.
Vaughn, James M.....	Baldwin	Stockton.
Walker, Thomas.....	Dallas	Selma.
Whatley, W. H.....	Tallapoosa.....	Fish Pond.
Weatherford, W. W.	Franklin.....	Frankfort.
White, J. H.	Clay.....	Ashland.
White, Alexander	Dallas	Selma.
Wilkinson, Levi.....	Dale.....	Skipperville.
Williams, A. E.	Barbour	Eufaula.
Williams, L. J.....	Montgomery....	Montgomery.